

Statement of Private Hire and Hackney Carriage Licensing Policy - 2022

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A. Glossary – Definitions :

Applicant

Person, or business who has submitted an application for either a grant, or renewal of a licence.

Application

A completed application made by an individual (or individuals) for the grant or renewal of a licence

Assistance Dog

A dog which has been trained to guide a blind person; a dog which has been trained to assist a deaf person; a dog which has been trained by a prescribed charity to assist a disabled person who has a disability that consists of epilepsy or otherwise affects the person's mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects; a dog of a prescribed category which has been trained to assist a disabled person who has a disability (other than one falling within paragraph (c)) of a prescribed kind;

Authorised Council Officer

An Officer of the Council who is authorised by the Council to exercise powers and duties conferred by legislation.

Conditions

Conditions of licence applied by the Council to a driver's licence, an operator's licence, or a vehicle licence. Non-compliance with conditions could lead to enforcement action being taken against the licence holder by the Council.

The Council

The Council of the City of Sunderland acting in its capacity of a licensing authority for the purposes of hackney carriage and private hire matters.

Date of First Registration

The date of first registration on a vehicle's V5 logbook issued by the Driver and Vehicle Licensing Agency.

The DBS

The Disclosure and Barring Service.

Driving Licence

Full UK driving licence issued by the Driver and Vehicle Licensing Agency, Northern Ireland driving licence, EEA driving licence, or exchangeable driving licence as defined in Section 108 of the Road Traffic Act 1988, as amended.

The DVLA

Driver and Vehicle Licensing Agency.

The DVSA

Driver and Vehicle Standards Agency.

Fare Card

A card which must legally be displayed in hackney carriage vehicles that are fitted with a taximeter that indicate the maximum authorised fare to be charged for distance travelled, waiting time and additional charges determined by the Council under Section 65 of the Local Government (Miscellaneous Provisions) Act 1976. Fare Cards are issued by the Council.

Hackney Carriage Vehicle

A vehicle licensed by the Council under the Town Police Clauses Act 1847, which are often referred to as a taxi.

Hirer

Any person, or persons who from time-to-time hires or books a licensed vehicle.

Licensing Authority

The Council is the designated Licensing Authority for the geographical area covering the City of Sunderland. The Council has responsibility for the licensing and regulation of : hackney carriage drivers and vehicles; private hire drivers and vehicles; and private hire operators.

Licensing and Regulatory Committee

The Committee of the Council which hears and determines specified hackney carriage and taxi and private hire licensing matters in accordance with the Council's Constitution.

Licensed Driver

A driver licensed under the Town Police Clauses Act 1847 to drive a hackney carriage vehicle and under the Local Government (Miscellaneous Provisions) Act 1976 to drive a private hire vehicle.

Licensed Operator (Operator)

A person(s), or company holding a licence to operate private hire vehicles issued pursuant to Section 55 of the Local Government (Miscellaneous Provisions) Act 1976. A private hire operator's licence is required to lawfully permit the acceptance, or invite of bookings for private hire vehicles.

Licensee(s)

The person(s), or company / firm named in a licence.

Licence Plate

The plate that licensed vehicles must display showing the licence number, maximum number of persons to be carried, vehicle registration number and make and colour of vehicle.

Licensed Vehicle

Either a hackney carriage, or a private hire vehicle.

NESLG

The North East Strategic Licensing Group.

Policy Document

The Council's Statement of Private Hire and Hackney Carriage Licensing Policy, plus associated documents.

Private Hire Vehicle

A vehicle licensed by the Council under the Section 48 Local Government (Miscellaneous Provisions) Act 1976.

Proprietor

The registered owner, or part owner of a licensed vehicle, or a vehicle that is sought to be licensed.

PSV

A Public Service Vehicle which is regulated by the DVSA.

Taximeter

Device used for calculating the fare to be charged for the journey by measuring distance travelled, plus any time waiting. This must be fitted in all hackney carriage vehicles and may be fitted in private hire vehicles.

WAV

A Wheelchair Accessible Vehicle, ie. certain hackney carriage and private hire vehicles that are suitable for carrying passengers requiring the use of a wheelchair.

B. Message from the Chair of the Council's Licensing and Regulatory Committee :



Dear members of the trade and users of licensed vehicles,

Welcome to the Council's first Statement of Private Hire and Hackney Carriage Licensing Policy, ("the Document"). It seeks to set out in one central place the Council's policies and procedures relating to "taxis", ie. hackney carriage and private hire drivers and vehicles, private hire operators and associated matters. The Document has been prepared following the recommendations set out in July 2020's Statutory Taxi and Private Hire Vehicle Standards published by the Department for Transport. The DfT document was published with the aim of introducing common core minimum standards to better regulate the "taxis sector". The golden thread is the protection of the most vulnerable members of our society, ie. children and vulnerable adults.

The Document has application as from and including 1st December 2022. It seeks to dovetail with the Council's City Plan for 2019-2030.

There is now a requirement for the Council to review its policies and procedures for the licensing of "taxi matters" every five years. Interim reviews are required if any significant issues arise within the City of Sunderland as to "taxi matters".

Following two extremely challenging years due to the impact of the Covid-19 Pandemic, consultation on this document commenced in Summer, 2022. With the conflict in Ukraine and the devastating ripples this has had across the World an economic recovery is still very much continuing.

The Council recognises and welcomes the valuable contribution that the private hire and hackney carriage trade make to the transport and tourism industry in the area. In particular, drivers licensed by the Council are regarded as ambassadors for the City.

The safety of the travelling public is the Council's primary concern. Councillors who sit on the Licensing and Regulatory Committee appreciate the valuable role that those who work in the taxi trade play in transporting the people of Sunderland, especially during these difficult times.

This document provides guidance on the whole licensing process and has sought to incorporate all the latest relevant legislation. I would encourage you to use this document as a reference book, as it may well provide answers to some of your questions. Officers and the Licensing and Regulatory Committee will use this important document when making decisions.

Chair of the Licensing and Regulatory Committee,
Councillor Fletcher.

Version 1.0	Pre-consultation Draft	01-03-2022	Steve Wearing	
Version 1.1	consultation Draft	September	Steve Wearing	
Version 1.2	Policy statement 2022	November	Chair	

Version Control

C. Introduction :

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Appendix 01 List of Consultees

1. Hackney Carriage and Private Hire Vehicle Licensing :

Hackney carriages and private hire vehicles, (collectively referred to as “licensed vehicles”), play a vital role in the provision of local transport. They provide a flexible form of transport and play an increasingly important role in improving accessibility and the ability to travel. They can be used for a variety of reasons, including socially, as part of work, or to visit shops, or entertainment venues. Licensed vehicles are used by a wide range of social groups and individuals. They can be a major lifeline for some residents.

A hackney carriage is a mode of public transport vehicle that has no more than eight passenger seats, which is licensed to "ply for hire". This means that it may stand at designated taxi stands or be hailed in the street by members of the public.

Private hire vehicles have no more than eight passenger seats. However, they must be pre-booked in advance through a licensed private hire operator and cannot ply for hire in the street.

The Council of the City of Sunderland, (“the Council”), is the designated Licensing Authority for the geographical area that covers the City of Sunderland. The Council has responsibility for the licensing and regulation of the following matters, :-

1. Hackney carriage drivers;
2. Hackney carriage vehicles;
3. Private hire drivers;
4. Private hire vehicles; and
5. Private hire operators.

These functions are either undertaken by Officers of the Council under the Council’s Scheme of Delegation and Appointment of Proper Officers, (“the Delegation Scheme”), or by the Council’s Licensing and Regulatory Committee, (“the Committee”), under the Committee’s Terms of Reference.

The following summarises responsibility for the different functions, :-

Under the Delegation Scheme :

The following matters are the responsibility of the Executive Director of City Development, (or their nominated Officers, including the Principal Licensing Officer) : functions of the Council relating to hackney carriages and private hire vehicles, including : granting, issuing, renewing, refusing to renew, suspending, or revoking licences, (including with immediate effect); requiring proof of vehicle insurance; matters relating vehicles, including inspection, testing and suspending vehicles; checking drivers’ suitability; enforcement matters, (including cross-border vehicle enforcement). Many of these functions are delegated to the Principal Licensing Officer, or their nominated representative under the Council’s Licensing Section. The Licensing Section is based at, :-

Sunderland City Council,
Licensing Section,

City Hall,
Plater Way,
Sunderland,
Tyne and Wear,
SR1 3AA.

E-mail : licensing@sunderland.gov.uk

The Council's Licensing and Regulatory Committee :

The Committee normally meets once per month to consider matters referred to it for consideration and determination by the Executive Director. The Committee is comprised of Councillors who have been elected to the Council. Unless designated to the Executive Director of City Development, (or their nominated Officers, including the Principal Licensing Officer), the following matters are the responsibility of the Committee, :-

- Granting, issuing, renewing, refusing to renew, suspending, or revoking licences, (including with immediate effect), matters in relation to hackney carriages and private hire vehicles, including the setting of fares chargeable in respect of hackney carriages;
- Matters which the Executive Director of City Development considers would be more appropriately dealt with by the Committee;
- Consideration of existing licensed drivers who have refused to undertake a driver improvement course operated under the Driver Improvement Scheme;
- The determination of the licensing objectives that will form the basis of the Council's Statement of Private Hire and Hackney Carriage Licensing Policy, with the licensing objectives subject to regular reviews by the Committee, as appropriate;
- Determination of the Council's Statement of Private Hire and Hackney Carriage Licensing Policy; and;
- Undertaking a review of the Council's Statement of Private Hire and Hackney Carriage Licensing Policy for the time being, at such times as the Committee considers appropriate, which may be on a periodic basis and / or in response to specific issues, and the making of revisions to the Policy, as considered appropriate.

When licensing functions are undertaken the overriding objective is the protection of the public, with special regard to children and vulnerable adults. It is imperative that the public has access to safe and comfortable licensed vehicles.

When applicants, or existing licensed drivers are invited to appear before the Committee they will be sent an invite letter, a copy of the procedure that will be followed at the Meeting, plus a copy of the Report that has been prepared in relation to them. The Report identifies the issues that arise as to them. Meetings are held at the City Hall. Applicants and existing licensed drivers have the right to be accompanied at the Meeting. This includes by a legal representative, such as a Solicitor. Meetings are held in private, ie. members of the public and press are excluded from the Meeting. In addition to those Councillors who sit on the Committee, the following persons also attend the Meetings : the Principal Licensing

Officer, (or their nominated representative); a Governance Services Officer; the Committee's Legal Adviser; and any witnesses who have been asked to attend the Meeting. Once the Committee has reached its respective decision the applicant, or existing licensed driver will be advised of the decision. However, the decision and the reasons for the decision will be set out in a notice, (ie. a letter), which will be served on them as soon as possible after the conclusion of the Meeting. As appropriate, the notice will set out rights of appeal.

2. Powers and Duties :

The Council has adopted Part 2 of the Local Government (Miscellaneous Provisions) Act 1976, ("the 1976 Act"). The 1976 Act and the provisions of the Town Police Clauses Act 1847 sets out the Council's powers and duties as to its licensing functions in respect of hackney carriage and private hire licensing. The Council is responsible for the licensing of private hire drivers, vehicles and operators and hackney carriage drivers and vehicles. This Statement of Private Hire and Hackney Carriage Licensing Policy ("the Policy Document"), sets out the policies the Council will apply when making decisions about new applications for licences and those licences currently in force when issues arise about the appropriateness, or otherwise of an individual, or business being permitted to continue to hold a licence, ie. when issues as to "fitness" arise.

On 21st July 2020 the Department for Transport, ("the DfT"), published the "Statutory Taxi and Private Hire Vehicle Standards", ("the Standards Document"). The aim of this important document is to ensure that local authorities and those responsible for the licensing of taxis and private hire vehicles, drivers and operators have common policies that reflect the significant changes in the industry and lessons learned from experiences in local areas. This includes extensive advice on checking the suitability of individuals and operators to be licensed; safeguarding children and vulnerable adults; the Immigration Act 2016 and Common Law Police Disclosure (which replaced the Notifiable Occupations Scheme. The DfT expects the "*recommendations to be implemented unless there is a compelling local reason not to*". These standards can be found at the following link : https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards

3. Licensing Objectives :

Although the statutory regime applicable to the licensing and regulation of taxis does not include prescribed licensing objectives, the Council has adopted the following objectives, :-

(a) The overriding objective of the hackney carriage and private hire licensing regime is the protection of the public, with particular emphasis upon safeguarding children and vulnerable people and to protect them from harm;
(b) To ensure that all licensees holding a licence are fit and proper persons to hold their respective licence;
(c) To promote the health and safety of the public and licensed drivers by seeking to ensure that safe, comfortable, reliable and accessible hackney carriage and private hire vehicles are available for use by all;

(d) To promote environmental and sustainability issues;
(e) To help promote and support a professional hackney carriage and private hire trade;
(f) Ensure that the Council's licensing requirements are clearly set out in an understandable format, with the licensing regime administered in a fair, transparent and reasonable way by its Officers and the Licensing and Regulatory Committee;
(g) Enforcement action is only commenced by the Council when considered appropriate to do so; and
(h) Ensure that licensing functions are undertaken in a way that seeks to maintain public confidence in the hackney carriage and private hire trade, so that it remains a safe, reliable and a sustainable form of transport.

These are collectively referred to as the Licensing Objectives.

This Policy Document has application in respect of applications, renewals, transfers and any other related matters connected to the following licences, :-

(a) To drive hackney carriage vehicles;
(b) Hackney carriage vehicles;
(c) To drive private hire vehicles;
(d) Private hire vehicles; and
(e) Private hire operator licences.

This Policy Document also has application to disciplinary and enforcement measures. A new addition is the introduction of a Code of Conduct for Licensed Drivers that is to be followed by all persons licensed to drive licensed vehicles.

In promoting the Licensing Objectives, the Council expects all applicants and existing licence holders to continuously demonstrate that they meet the requirements and standards set by the Council.

4. Licensing Methods :

The methods used by the Council to promote the Licensing Objectives will include the following, :-

(a) Setting the standards for the licensing of drivers, vehicles and operators;
(b) Annual licensing and routine inspection of vehicles, with appropriate follow-up action taken;
(c) Routine inspection of insurance policies and Certificates of Compliance / MOT Certificates, with appropriate follow up-action taken;
(d) Undertaking checks on a driver's : immigration status; medical health; criminal record checks; driving ability; knowledge of safeguarding of children and vulnerable adults; and tax status
(e) Investigation of complaints, with appropriate investigations undertaken and the necessary follow-up action taken;
(f) Taking appropriate enforcement action and / or disciplinary action, including the commencement of criminal proceedings, the provision of written warnings / advice and consideration of suspension, or revocation of licences;

(g) Liaison with appropriate agencies regarding issues of mutual concern regarding applicants for licences, or the alleged conduct of existing licensees, such as, :-

(i) Other Licensing Authorities;
(ii) The Police, such as Northumbria Police and Durham Constabulary;
(iii) The Local Authority Designated Officer, (LADO), regarding the safeguarding of children, or vulnerable adults;
(iv) Together for Children Sunderland Limited concerning home-school transport;
(v) The Disclosure and Barring Service, ("the DBS");
(vi) The Driver and Vehicle Licensing Agency, ("the DVLA"); and
(vii) HM Revenue and Custom.

(h) Liaison with the hackney carriage and private hire trade by way of open meetings and the use of modern communication methods;
(i) Continued publication of the Council's Taxi Newsletter;
(j) Cross border authorisations with other North East Strategic Licensing Group, ("NESLG"), authorities Officers, so that compliance and enforcement can be taken against licensees outside their area; and
(k) Licensed drivers are required to undertake safeguarding children and vulnerable adults and disability awareness training.

When considering submitted applications and taking enforcement action the Council is subject to the Government's Regulators Code, and the Council's Enforcement Policy.

5. Best Practice Guide :

In preparing this Policy Document the Council has considered the most recent Taxi and Private Hire vehicles Licensing, best practice Guidance issued by the DfT. This can be found at : Government's Department for Transport (DfT) Best Practice Guidance

6. Status :

When undertaking its licensing and regulatory functions the Council will have regard to this Policy Document and the Licensing Objectives.

Notwithstanding the matters set out in this Policy Document, each case will be considered on its own merits. Where necessary, the Council may depart from this Policy Document. However, where this is done there must be clear and compelling reasons for doing so. The reasons for any such departure will be explained.

7. Implementation and Review :

This Policy Document will take effect as from and including the 1 December 2022. From the stated date this Policy Document will replace previous policies in relation to the licensing of licensed vehicles, drivers and private hire vehicle operators.

The Council will keep this Policy Document under review and will consult, as appropriate, on proposed revisions. A full review of the Policy will be conducted

every five years. However, interim reviews will be undertaken, with the agreement of the Committee, if significant issues arise which require a review.

Unless stated otherwise, as from and including the 1 December 2022 the Council will require licence holders to comply with the matters set out in this Policy Document.

Where it is not possible to comply with part of the Policy Document due to an outstanding action required on the part of the Council, or a lead in period is provided to licensees to allow time to comply with newly introduced requirements, this will be explained.

8. Consultation :

In preparing this Policy Document the Council has consulted widely. A full list of those consulted is set out in **Appendix 1**.

9. Partnership Working :

Those agencies and individuals the Council will work with in partnership to promote the Licensing Objectives will include the following, :-

(a) The local hackney carriage and private hire trade;
(b) Northumbria Police;
(c) The Council's Highways Section;
(d) The Council's Planning Section;
(e) The Council's Adult Social Care Team;
(f) Together for Children Sunderland Limited;
(g) Local residents;
(h) Disability groups, including the Royal National Institute of Blind People, ("RNIB"), and Age UK;
(i) NESLG;
(j) Customers who use "taxis";
(k) The Driver and Vehicle Standards Agency, ("the DVSA");
(l) The DVLA;
(m) HM Revenue and Customs;
(n) Department for Work and Pensions, ("the DWP"); and
(o) Home Office Immigration Enforcement.

Partnership working could take the form of joint enforcement initiatives, such as : school transportation checks; disability, or assistance dog test purchasing; and roadside Police operations. It will also present opportunities for collaborative work with other agencies to identify ways of achieving the Licensing Objectives.

10. Related Policies and Strategies :

This Policy Document will be integrated within the Council's local planning, transport, tourism, equality and cultural strategies and other plans introduced for the management of the City for the evening and night-time economies.

The Council's City Plan for 2019-2030 is of particular relevance to this Policy Document, with the following points highlighted, :-

(a) The City Plan is focused on the bold and ambitious vision to create a connected, international city with opportunities for all;
(b) To achieve this vision the City Plan has three themes, :-

(i) By 2030 Sunderland will be **a dynamic smart city** with more and better jobs, a low-carbon economy and a great choice of housing. It will be a leading digital city, deploying smart and sustainable technologies for the benefit of residents, businesses and visitors;
(ii) It will be **a healthy smart city** where people will live healthier, independent lives for longer. It will be a clean and attractive city with great transport and travel links; and
(iii) It will be **a vibrant smart city** with more resilient people feeling safe in their homes and neighbourhoods. There will be a range of opportunities for people to participate in their communities and in cultural events and activities

(c) The provision of an appropriately regulated, high quality, safe and secure private hire and hackney carriage trade plays a vital role in the transport and tourism sectors in Sunderland. Drivers licensed by the Council are regarded as ambassadors for the City of Sunderland. They have an intimate knowledge of the City and are often the first people that visitors from outside the City meet; and
(d) The Policy Document underpins much of the delivery of the City Plan. It is a key contributor to its aspirations in respect of the City Centre, transport links within and out-with the City, the vibrancy of the City and its communities, supporting people to be able to live independent lives and the safety of visitors and residents of the City.

The Council, as a member of NESLG, will work with the other council representatives to seek harmonisation of policies and conditions, where applicable, across the North East area.

11. Equality and Human Rights :

As an employer and service provider the Council is committed to ensuring equality in employment and service delivery. To achieve the above standard the Council is aware of its duties and obligations under the following legislation:

- Human Rights Act 1998
- Equality Act 2010

The Council will consult on and monitor the impact of this Policy to ensure that those making applications are treated in accordance with their needs. The Council also recognises the Public Sector Equality Duty as set out in section 149 of the Equality Act 2010 (the 2010 Act) which it must have regard to when exercising its licensing functions. In applying this Policy, the Council will at all times endeavour to comply with its obligations under the 2010 Act and the Human Rights Act 1998.

Providers of hackney carriage and private hire transport are deemed to be providers of services to the public for the purposes of Part 3 of the 2010 Act. A statutory Code

of Practice has been published and provides guidance on specific issues associated with the 2010 Act. Licensees and applicants should read the Code of Practice and ensure that they operate having due regard to the Code and in compliance with the 2010 Act.

It is a condition of a vehicle licence that wheelchair accessible vehicles must have the appropriate equipment so as to transport passengers in wheelchairs at all times. In instances where this is not the case the licence for the vehicle may be suspended until such time as the Council considers the vehicle is fit for purpose. In accordance with the 2010 Act the Council holds a list of wheelchair accessible vehicles (designated vehicles). The Act requires the drivers of such designated vehicles to carry passengers in wheelchairs provide assistance to such passengers and prohibits drivers from charging such passengers extra.

The Equality Act 2010 was revised by the enactment of the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 which further emphasises the importance of transportation for disability groups. The duties of the driver are as follows:

(a) to carry the passenger;
(b) if the passenger is in or has with them a wheelchair, to carry the wheelchair;
(c) if the passenger has with them any mobility aids, to carry the mobility aids;
(d) to take such steps as are reasonable to ensure that the passenger is carried in safety and reasonable comfort;
(e) to give the passenger such mobility assistance as is reasonably required;
(f) not to make, or propose to make, any additional charge for complying with a duty mentioned in paragraphs (a) to (e).

The driver of a taxi or private hire vehicle commits an offence by failing to comply with a duty imposed on the driver by this section. A person guilty of an offence is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

The full legislation can be found here;https://www.legislation.gov.uk/ukpga/2010/15/part/12/chapter/1

The DfT has published statutory guidance called Access for Wheelchair Users to Taxis and Private Hire Vehicles and drivers of wheelchair accessible vehicles are encouraged to read and understand that guidance. It is a criminal offence for drivers of wheelchair accessible vehicles to refuse to carry passengers in wheelchairs, to fail to provide them with appropriate assistance, or to charge them extra unless the driver has been issued with an exemption certificate by the Council exempting them from performing the duties set out in section 165 of the 2010 Act.

A link to the guidance document can be found here : https://www.gov.uk/government/publications/access-to-taxis-and-private-hire-vehicles-for-disabled-users

All licensed drivers are under a duty to carry guide, hearing and other prescribed assistance dogs in their vehicles and passengers with disabilities and provide assistance to such passengers without additional charge. Drivers who have a medical condition that is aggravated by exposure to dogs may apply for an exemption from the duty on medical grounds. A medical certificate must be provided at the driver's expense, from the driver's own GP stating the details of their medical condition to the satisfaction of the Licensing Authority.

A register will be kept by the Council of exempted drivers. Any drivers who consider that they should be exempt from the duties imposed on them by the 2010 Act in relation to carrying passengers in wheelchairs or passengers with assistance dogs should contact the Council's Licensing Department at www.sunderland.gov.uk Further information is available from the Equality and Human Rights Commission at www.equalityhumanrights.com

A register will be kept by the Council of all wheelchair accessible vehicles.

12. Section 17 of the Crime and Disorder Act 1998 :

Section 17 of the Crime and Disorder Act 1998 places a duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions, and the need to do all that it reasonably can to prevent, crime and disorder in its area. The legislation states that without "*prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, (a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); and (b) the misuse of drugs, alcohol and other substances in its area; and (c) re-offending in its area*".

13. Fee Structure :

Section 70 of the 1976 Act sets out the provisions for fees for vehicle and operators' licences. The legislation provides that the fees charged should be sufficient to cover the costs of inspecting vehicles, providing hackney carriage stands and administering the control and supervision of licensed vehicles.

The current fees payable for the grant and renewal of hackney carriage and private hire licences are available from the Licensing Section and on the Council's website : https://www.sunderland.gov.uk/taxi-licensing-fees

14. Variations to Fee Structure :

The fee structure is reviewed periodically as part of the Council's ongoing budgetary processes. Notice of the current scale of fees will be made available to new applicants at the time of application.

A notice of any variation to the maximum fees in respect of vehicles and operators will be advertised in a local newspaper, (the Sunderland Echo), with a date set 28 days from publication for making objections to the variation of fees.

If no objections are received the fee variation will have immediate effect at the end of the 28-day consultation period, (or at a later date as indicated by the Council). If any objections are received these will be considered by the Committee before any proposed variations in fees are implemented.

D. Drivers of Hackney Carriage and Private Hire Vehicles :

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1. Licensing Persons to Drive Hackney Carriage and Private Hire Vehicles – The "Fit and Proper Person" Test :

The Council issues licences to individuals to allow them to drive hackney carriage and private hire vehicles. Those licensed may hold both types of licences, ie. hackney carriage and private hire vehicle driver licences. The Council is under a duty to ensure that only "*fit and proper persons*" are licensed.

Licences are issued subject to proof of eligibility : driving licence check; knowledge test; safeguarding awareness; a criminal records check; tax conditionality check; right to work check; and medical assessment.

The statutory and practical criteria and qualifications for each licence are broadly identical. This part of the Policy Document applies to both types of driver licences. Where differences exist, these are highlighted.

The key point is that a licence to drive a licensed vehicle should only be issued by the Council if satisfied that the person is a "*fit and proper person*" to hold such a licence. Section 51, (licensing of drivers of private hire vehicles), and Section 59, (qualifications for drivers of hackney carriages), of the 1976 Act provide that "*a district council shall not grant a licence…unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence*".

The suitability of an applicant will be assessed from their first contact with the Council. This will include how they communicate with Council Officers by any means.

Unfortunately, the 1976 Act does not define what is meant by a "*fit and proper person*". Caselaw is relied upon to provide guidance. Paragraph 7 of **McCool -v- Rushcliffe Borough Council [1998]** provides some useful guidance about what is meant by a "*fit and proper person*" : "*One must, as it seems to me, approach this case bearing in mind the objectives of this licensing regime which is plainly intended, among other things, to ensure so far as possible that those licensed to drive…are suitable persons to do so, namely that they are* safe drivers with good driving records *and adequate experience, sober, mentally and physically fit, honest, and not persons who would take advantage of their employment to abuse or assault passengers*".

Burden of Proof :

When an applicant applies for an initial driver's licence the burden of proof is on them to establish that they are a "*fit and proper person*". Satisfied relates to the civil standard, ie., more likely than not that the applicant is a "*fit and proper person*" to hold the licence sought.

After a person has been issued with a licence to drive a licensed vehicle issues may subsequently arise which question whether they remain a "*fit and proper person*" to continue to hold their licence. This brings into play Section 61 of the Act. Under Section 61 the Committee can be asked to consider the following in respect of an existing licensee's licence : to refuse to renew; to suspend; or to revoke. When cases are considered under Section 61 the Committee may, (ie. it has a discretion), refuse to renew, suspend, or revoke their licence on any of the following grounds, :-

(a) Since the granting of the licence the licensed driver has been, :-

(i) Convicted of an offence involving dishonesty, violence, or indecency; or
(ii) Convicted of an offence under, or has failed to comply with the provisions of the Town Police Clauses Act 1847, or Part II of the 1976 Act; or

(b) Any other reasonable cause. As shown in **McCool [1998]**, "*any other reasonable cause*" is a widely drawn provision enabling discretion to decide, depending on case circumstances, to refuse to renew, suspend, or revoke a driver's licence. It could include a variety of matters, such as speeding matters, medical fitness issues, offences that do not involve dishonesty, violence, or indecency and issues relating to the Council's Driver Improvement Scheme.

When Section 61 of the 1976 Act is in issue the burden of proof is not on the licensed driver to satisfy the Committee that they are a "*fit and proper person*". Instead, it is a judgement for the Committee based on the case facts.

When deciding whether to issue, renew, suspend, or revoke a licence to drive a licensed vehicle, difficult decisions may need to be made. There is a potential conflict between the right of a person to hold a licence and the overriding objective of public safety. Decisions on "fitness" are required to be made on the balance of probability. Paragraph 5.14 of the Standards Document confirms the following, :-

"*Licensing authorities have to make difficult decisions but…the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction*".

2. Driving Experience :

An applicant for the grant of a licence to drive a licensed vehicle must have held a full DVLA driving licence for a period of 12 months before an application for the grant of a driver's licence will be considered. This is a legal requirement under Sections 51 and 59 of the 1976 Act. The Council will follow all requirements as directed by the Government in relation to EU driving licences.

3. DVLA Driving Licences :

The DVLA no longer issues a driving licence counterpart, (D740). In order to be satisfied that an applicant has a current DVLA Driver's Licence and to check whether they have any penalty points endorsed on their licence, the Council uses the DVLA Online Checking System to establish driving entitlement and driving history. The DVLA requires the holder of the licence to give permission for access to driver records by providing the Council with a unique access code provided by the DVLA.

The website that is accessed is : Check someone's driving licence information - GOV.UK (www.gov.uk) The website of the DVLA can be found at : Driver and Vehicle Licensing Agency - GOV.UK (www.gov.uk)

All persons wishing to become a licensed driver must either provide written consent, or provide the Council with a unique access code to allow their DVLA driving licence to be checked as part of the application process.

Prior to the grant, or renewal of a hackney carriage, or private hire vehicle driver's licence any applicant holding a European Economic Area / European Union driving licence will be required to exchange this licence for a photo card licence issued by the DVLA.

The Council will continue to follow licence requirements as may be issued by the DVLA from time to time.

The newly introduced Driver Improvement Scheme is considered in detail in **Appendix 6**. This has application to existing licensed drivers.

4. Right to Work :

The prevention of illegal working in the UK is governed by legislation that may change from time to time. The Council will undertake the necessary checks to ensure legislative compliance. The Government's Department for Transport (DfT) Best Practice Guidance requires the Council to check on an applicant's right to work in the UK before a licence is granted.

All applicants for a licence will be required to prove that they have a right to work in the UK before being considered for a licence. In doing so, the Council may seek information regarding the immigration status of an individual from the Home Office.

For British applicants without a current British passport, a full birth certificate which includes the name(s) of at least one of the holder's parents and proof of National Insurance Number is required. A National Insurance Card is not an acceptable form of identification.

As the UK is no longer a member of the European Union, the Council will follow Government Directions in relation to applicants from Switzerland, or one of the European Economic Area country's ability to work in the UK providing they can produce evidence of their right to work in the UK.

Applicants who are non-EU nationals will have to provide proof of the right to work in the UK in accordance with current Home Office guidance on preventing illegal working. Usually, a Biometric Residence Permit and a valid passport should be provided before any application can be accepted.

Licences may be time limited to coincide with an applicant's right to stay and work in the UK.

A licence will not be granted until an applicant is able to prove they have a right to work in the UK. Checks will be made at each renewal process. All documentation will be copied and kept on the applicant's personal file.

5. Language Proficiency :

Language proficiency is very important. A lack of language proficiency could impact a driver's ability to understand written documents, (including the matters set out in this Policy Document), about the protection of children and vulnerable adults, meaning they are less able to identify and act on signs of exploitation. A lack of oral proficiency could impact upon the identification of potential exploitation through communicating with passengers and interaction with others.

If there is any doubt about an applicant's ability to communicate in English, (spoken and / or written), they will be required to undertake and pass an English Speaking for Other Languages, (ESOL), course, the cost of which is to be covered by the applicant. Information about these courses can be found at the following websites, :-

a) Sunderland Information Point : https://www.sunderlandinformationpoint.co.uk/kb5/sunderland/directory/service.page?id=v6HBFobncBY; and
b) Sunderland College : https://www.sunderlandcollege.ac.uk/courses/course-search/esol/

6. Applicants Who Have Spent Time Abroad :

If an applicant is newly resident in the UK, they must still apply for an Enhanced DBS Certificate, (issued by the DBS), regardless of the period of time, they have spent in the UK.

Where an applicant has spent three months, or more living abroad, or has not lived in the UK for a continuous six-year period at the time of their application an Enhanced DBS Certificate in itself will usually be insufficient to satisfy the Council that the applicant is a fit and proper person. This is because an Enhanced DBS Certificate does not routinely provide criminal record information from non-UK countries. These applicants will be required to provide a Certificate of Good Conduct, or an equivalent document, translated into English by a recognised, impartial body, from each country where they have been living

A Certificate of Good Conduct, or an equivalent document is an extract from the judicial record, or administrative authority in the relevant country testifying to good conduct and / or to any criminal convictions recorded against the individual. The Council will take advice from the DBS in identifying the appropriate authority, where available.

The Council may approach the relevant Embassy, or appropriate body directly to verify documents provided. Any costs involved in this process are to be met by the applicant.

An applicant is advised to submit additional information with their licence application, such as verifiable references from former employers and persons in positions of trust, which may contribute towards demonstrating that they are a "*fit and proper person*". The Council may require the applicant to submit additional information.

Where an individual is aware that they have committed an offence overseas, which may be relevant, they should seek independent expert, or legal advice to ensure that they provide information that is accurate and truthful.

Existing licensed drivers must notify the Council in writing when they intend to leave the country for an extended period of three months, or more. They must also notify the Council, in writing on their return by emailing the licensing section.

Information about Certificates of Good Conduct can be found on the Home Office's website : Criminal records checks for overseas applicants - GOV.UK (www.gov.uk)

7. Disclosure and Barring Service and Criminal Records :

The DBS helps employers make safer recruitment decisions and seeks to prevent unsuitable people from working with vulnerable groups, including children.

The DBS are responsible for, :-

(a) Processing requests for criminal records checks to be undertaken; and
(b) Deciding whether it is appropriate for a person to be placed on or removed from the DBS Children's Barred List and Adults' Barred List for England, Wales and Northern Ireland.

Any person who is on a DBS Barred List will be deemed not to be a "*fit and proper person*" to hold a hackney carriage or private hire driver's licence.

A criminal record check undertaken in respect of an applicant and existing licensed driver is an important safety measure. Enhanced Disclosure through the DBS is required. Enhanced DBS Certificates include details of spent and unspent convictions, Police cautions and Police intelligence.

DBS checks are not portable and only DBS checks applied for through North East Regional Employers Organisation, (NEREO), the Council's service provider, will be accepted. After completing the on-line application. Applicants will be given a submission reference number. Applicants may want to make a note of this reference number as the Customer Services Team at City Hall may refer to it when carrying out an applicant's identity check and verifying proof of identity documents Guidance notes, (including proof of identity requirements), are available from the following website :
https://www.gov.uk/government/collections/dbs-checking-service-guidance--2

The Rehabilitation of Offenders Act 1974 does not apply to applicants for hackney carriage, or private hire driver licences by virtue of the Rehabilitation of Offenders Act 1974 (Exception) Order 1977. Consequently, applicants are required to disclose all convictions, including those that would normally be regarded as spent.

The application will not be determined until the results are received. DBS checks are not portable and only DBS checks applied for through the Council will be accepted unless an applicant is appropriately registered with the Disclosure & Barring Update Service DBS disclosures will only be acceptable up to three months from the date of issue.

The DBS Certificate is sent to the applicant's home address. The Council does not receive a copy of the Certificate direct. The applicant is required to upload the entire original copy of their DBS Certificate as part of the online application process.

If the Council receives an e-mail from the DBS to advise that an applicant's DBS Certificate is clear through the DBS Update Service, the application can be processed. The DBS Update Service is considered below.

Once a DBS Certificate is received by the Council it is sent to an Authorised Council Officer for checking. The DBS Certificate is stored electronically on the Council's database until a decision is made on whether to grant the requested licence. Once this decision is made, the DBS Certificate is no longer retained.

Any applicant for a new licence, or a renewal of licence is required to provide details of all criminal, motoring and licensing convictions, including fixed penalties, spent convictions, speed awareness courses and cautions. In accordance with Section 57 of the 1976 Act it is an offence to knowingly, or recklessly make a false statement, or to omit information as considered reasonably necessary by the Council, or as required under Section 57.

8. DBS Update Service :

All licence holders are required to subscribe to the DBS Update Service for the duration of their licence. This is an online service. Any costs associated with maintaining this subscription is met by the licence holder.

All licensed drivers will be required to provide evidence of continuous registration with the DBS Update Service to enable the Council to routinely check for new information. Drivers must retain their original DBS Certificate as this may be referred to at the point of the renewal of their licence

The licence holder must consent to the Council undertaking checks of their DBS status should the Council consider it necessary to do so. The Update Service can be used when a licence is renewed. If there are no changes recorded on the DBS Certificate, a full DBS check will not be required. In all other cases a full Enhanced DBS check will be required before a licence is renewed.

Existing licence holders who have not subscribed to the DBS Update Service will be required to do so when their next DBS Certificate Application is submitted. Further details and guidance about the Update Service can be found at : www.gov.uk/dbs-update-service

If a licensed driver does not renew their licence, a new Enhanced DBS Certificate will be required at the time of any subsequent application.

9. Relevance of Convictions and Cautions :

When considering whether an applicant is a "*fit and proper person*" to hold a licence, or whether an existing licensed driver remains a "*fit and proper person*" to continue to hold a licence the Council will consider each case on its own merits.

The matters set out in the document headed Convictions Policy and Assessment of Previous Convictions, ("the Convictions Document"), contained in **Appendix 2**, will be taken into account when cases are considered. The following points are highlighted as to the Convictions Document, :-

1. It is intended to assist Licensing Officers and the Committee in decision making and to ensure a consistent approach is applied to cases;
2. Each case is considered on an individual basis, based upon the case facts. It sets out guidelines to be followed. If exceptional guidelines apply, it is possible to depart from the guidelines. Where this is done, reasons for the departure should be set out;
3. It should assist applicants and licensees and those that represent them by clearly setting out the expectations the Council has in relation to conduct and behaviour;
4. When Reports are prepared relating to applicants and licensees that are to be considered by the Committee, those Reports will detail the salient parts of the Convictions Document that has application to them;

Criminal convictions are not the only criteria used when considering whether an individual is a "*fit and proper person*" to be licensed. Other factors, including an applicant, or existing licensee's demeanour, attitude and level of co-operation when discussing their case with Officers from the Licensing Section and the reporting requirements that apply. The Council may also consider circumstances of concern even though a conviction has not been obtained, or the conduct does not amount to a criminal offence.

10. Driver Knowledge Test and Safeguarding Training :

When determining the fitness of a person to hold a licence, all applicants are required to sit and pass a knowledge test. This test covers matters relating to: taxi legislation, safeguarding; the risk of child sexual abuse and exploitation, ("CSAE"); the Equality Act 2010; the Highway Code and basic numeracy. This test will be regularly reviewed, taking into account any updated, or amended guidance issued by the DfT A driver's licence will not be issued until an applicant has passed the knowledge test.

The cost for undertaking the knowledge test is separate to the licence application fee. The fee is required to be paid electronically at the time of booking the test. If an applicant fails to achieve a pass, a further fee will be charged for every subsequent test taken. In order to assist an applicant gain the understanding required to pass the knowledge test the Council provides an e-learning course.

If an applicant cancels a test with at least 24 hours' notice, the online booking process will allow the applicant to re-arrange the test at a future date. Otherwise, a fee is payable to re-book. If an applicant cancels the sitting of a knowledge test with less than two working days' notice, fails to attend a test, or is more than 10 minutes late for the test without a reasonable excuse and is not permitted to take the test, a further fee is required to be paid prior to a re-test being booked.

Any candidate found cheating during the sitting of the knowledge test will be disqualified and their test fee will be forfeited. In addition, the candidate's conduct will be taken into consideration when determining their application for a licence.

Drivers will also be required to undergo the e-learning safeguarding course and provide proof of such upon renewal of their drivers' licence. Should the driver fail to complete the safeguarding e-learning, or provide proof of such, the renewal licence application will be not granted. The cost of the safeguarding course is separate to the licence application fee and will need to be paid electronically at the time of booking the safeguarding course

Where a period of time has elapsed since the expiration of the hackney carriage, or private hire driver licence, the application will be considered to be "new" and the applicant will need to comply with all licensing requirements. However, the driver may not be required to sit a full knowledge test, but will be required to complete the safeguarding e-learning course only and provide proof of such upon application.

11. Safeguarding Awareness Training :

Paragraph 1.1 of the Standards Document states that there "*is evidence to support the view that taxis and private hire vehicles are a high-risk environment. In terms of risks to passengers, this can be seen in abuse and exploitation of children and vulnerable adults facilitated and, in some cases, perpetrated by the trade and the number of sexual crimes reported which involve taxi and private hire vehicle drivers*".

Child sexual abuse and exploitation, (ie. the sexual exploitation of children and young people under 18 years of age), involves exploitative situations, contexts and relationships where young people, (or a third person, or persons), receive "'something", (such as food, accommodation, drugs, alcohol, cigarettes, affection, gifts, or money), as a result of them performing, and / or another, or others performing on them sexual activities. Violence, coercion and intimidation are commonly involved in exploitative relationships.

The Council is addressing the issue of CSAE by ensuring that all new drivers undertake comprehensive safeguarding training. Mandatory requirements are in place under which persons applying for a hackney carriage driver's licence and / or private hire vehicle driver's licence and existing licence holders undertake the Council's prescribed training course on safeguarding children and vulnerable adults and disability awareness, ("the Prescribed Training"), with refresher training undertaken every three years upon drivers' licence renewals.

The following matters are highlighted, :-

(a) As from and including 1st April 2020, as part of the initial application process for a licence to drive hackney carriages and / or private hire vehicles an applicant has been required to undertake the Council's Prescribed Training prior to submitting their relevant application form for a licence, otherwise the applicant's initial application has been suspended and put on hold until such time as the Prescribed Training has been undertaken;
(b) As from and including 1st April 2020, all existing licensed hackney carriage drivers and / or private hire drivers have been required to undertake the Council's Prescribed Training within a period of three months following receipt of a letter from the Council explaining such training arrangements, otherwise a driver's licence has been automatically suspended until such time as the Prescribed Training has been undertaken by the driver; and
(c) As from and including 1st October 2020, upon renewal application and every three years thereafter, all existing licensed hackney carriage drivers and / or private hire drivers have been required to undertake a refresher course relating to the Prescribed Training.

In addition, the Council will share all information of concern with Northumbria Police Constabulary and the Multi Agency Safeguarding Hub. Through key agencies working together and sharing information, the aim is to we can prevent sexual exploitation, protect children and young people and to enable prosecute perpetrators to be subject to prosecution.

Safeguarding children and young people is the responsibility of all. Sharing information with Northumbria Police helps to protect young people from harm. Licensed drivers are key in identifying victims of sexual exploitation and may come into contact with children and young people who are transported in taxis.

"SAY SOMETHING IF YOU SEE SOMETHING". In terms of advice to licensed drivers regarding CSAE, the advice is, :-

(a) If concerned about the safety of somebody, (including a passenger), and you believe there is an immediate risk of harm, then telephone the Police on 999; and
(b) In all other cases contact the Police using the non-emergency number of 101.

Applicants for licences to drive licensed vehicles and private hire operator's licences are required to have undertaken the Prescribed Training and will be required to produce a certificate as evidence of such training as part of their application.

New applicants will be asked to complete the Knowledge Test which includes a comprehensive section on Safeguarding and Child Sexual Exploitation. If the candidate achieves the required pass mark, a certificate can be printed and provided to the Council at the time of application.

Renewal applicants will be required to carry out the refresher training as part of the Prescribed Training. If the candidate achieves the required pass mark, a certificate can be printed and provided to the Council at the time of application

12. Medical Assessment and Medical Examination Reports :

Under Section 57 of the 1976 Act the Council may require an applicant for a driver's licence to, :-

(a) Produce a medical certificate signed by a registered medical practitioner to confirm that they are physically fit to be a licensed driver. The Council requires this medical certificate upon submitting an initial application for a licence. This is done via the completion of a Medical Examination Report; and
(b) Regardless of whether a Medical Examination Report has been produced, to submit to examination by a registered medical practitioner selected by the Council as to their fitness to be a licensed driver.

In line with DfT best practice guidance as set out in DfT Taxi and Private Hire Best Practice Guidance – March 2010, the Council applies the DVLA Group 2 driver standard for medical fitness for hackney carriage and private hire drivers. This is a higher medical standard than that required for drivers of other motor vehicles due to the length of time a licensed driver may spend at the wheel and the responsibility they have for the safety of their passengers and the public. In addition, drivers may have to assist disabled passengers and carry luggage, or similar items.

When submitting an initial application for a driver's licence an applicant is required to produce the stated Medical Examination Report signed by a registered medical practitioner. This can be completed by the applicant's own GP, or by a medical practitioner with access to the applicant's full medical history.

The applicant is responsible for paying the respective fee for the examination. The Medical Examination Report can be returned direct to the Licensing Section by the medical professional who prepared the Report. The Report is valid for a period of three months after which either a new Medical Examination Report, or a letter from the medical professional who carried out the original medical confirming that there has been no change in the medical fitness of the applicant will be required. After a 12 month period a new Medical Examination Report will be required.

The medical professional must confirm that, :-

(a) They have examined the applicant and the applicant is registered with their medical practice and / or they have had full and complete access to the applicant's medical records;
(b) The medical examination was carried out to the Group II standard; and
(c) They consider the applicant to be fit to act as the driver of a hackney carriage, or private hire vehicle in accordance with Group II standard.

Applicants aged 45 years or over must provide evidence of their medical fitness to hold a licence every five years up until the age of 65 years, after which a medical examination is required every year. Where a medical examination is due within the term of an existing driver's licence, the Licensing Section will contact the driver in writing to advise of this.

In the event that the required Medical Examination Report is not provided within the relevant timescales, normally 60 days from the request being made, the driver's licence will be suspended until such time as a Medical Examination Report is provided. Depending upon the circumstances of the case, suspension may be with immediate effect in accordance with Section 61(2B) of the 1976 Act.

In other cases where a more in-depth Medical Examination Report has been undertaken for a specific profession, (such as a pilot's licence), then this may be considered as acceptable, on a case-by-case basis by the Licensing Section, instead of the Group II standard.

If a driver has a medical condition, or develops a medical condition that requires notification to the DVLA they must also notify the Council in writing at the same time that the DVLA is notified. To check whether a medical condition requires notification the following link to the DVLA is of assistance, where conditions can be checked in accordance with the latest guidance : https://www.gov.uk/health-conditions-and-driving/find-condition-a-to-z

All licensed drivers are required to immediately notify the Council in writing of any deterioration in their health, or medical condition that may affect their ability to drive. Such information is required to be reported via the Council's website portal : https://www.sunderland.gov.uk/Taxi-Licensing-change-of-details

In addition to the above requirements, where a driver suffers from a condition that requires monitoring, but would not prevent them from driving a licensed vehicle, they are required to provide written confirmation from their GP, or consultant, as recommended by the DVLA standards. This written confirmation is required to be provided each year that they remain fit to carry out the duties of a licensed driver and / or may be required to undergo an annual medical, the cost of this is to be covered by the licensed driver.

For the avoidance of any doubt, :-

(a) If the Council is not satisfied as to the medical fitness of an applicant, a driver's licence will not be granted; and
(b) If the Council is not satisfied as to the medical fitness of a licensed driver there may be "*reasonable cause*" to refuse to renew, suspend, or revoke the respective driver's licence under Section 61 of the 1976 Act. Depending on the circumstances of the case, suspension, or revocation may be with immediate effect in accordance with Section 61(2B) of the 1976 Act.

Licensed drivers who are subject to specific annual medical checks in accordance with the DVLA may be limited to having an annual licence issued.

The Medical Assessment can be found on the Council's website at the following link : https://www.sunderland.gov.uk/article/19757/Have-a-medical-check

The DVLA Medical Standards can be found here : https://www.gov.uk/guidance/general-information-assessing-fitness-to-drive

13. Application Procedure :

The Council has developed a step-by-step process for applying for a licence. This takes the form of an on-line process.

Licences are granted in accordance with this Policy Document. New applicants should familiarise themselves with this Policy Document before taking the first steps to become licensed.

In order to reduce the time taken to complete the application process applicants are encouraged to complete their DBS application as soon as possible, since the required checks can take six weeks, or more. Applicants will also need to submit evidence of identity.

To apply for a licence to drive either a private hire, or a hackney carriage vehicle the applicant must have held a full driving licence for one year. They must also, :-

(a) Complete an on-line application form
(b) Upload a completed Group II Medical Assessment;
(c) Upload an Enhanced DBS Certificate carried out by the Council;
(d) Upload their Taxi Driver Knowledge Test Pass Certificate (which includes Safeguarding and Disability Awareness);
(e) Provide a valid DVLA Driving Licensing (old style pre-1998 paper licence), or DVLA Driver Photo-Card driving licence, where applicable. Photo cards must show a valid date for the entire period of the imminent licence. Expired licences will not be accepted;
(f) Have the right to work in the UK and upload a certified copy of evidence of their right to work;
(g) Upload a DVLA access code to review licence; and
(h) Upload a full colour JPEG image of them self.

Drivers who hold other European driving licences must apply to the DVLA to exchange their EU driving licence to a UK photo-card licence.

All documents must correspond in respect of the full name and address of the applicant, otherwise the application will be rejected. Any incorrectly completed forms will not be accepted.

The application will not be determined until all documents are received.

Where an application is pending in excess of a six-month period due to delays caused by the applicant, (for example, a delay in providing requested information, or documentation as requested by the Council), the applicant will be required to provide a new Enhanced DBS Certificate and a new Medical Assessment. As an alternative to the latter, an applicant can produce a letter from the GP who carried out the original medical confirming that there has been no change in the medical fitness of the applicant.

The following documents for a renewal application are required to be submitted as part of the on-line licensing process, together with the licence fee, :-

(a) A completed on-line application renewal form;
(b) A Group II Medical Assessment, (Only required for drivers over 45 years of age in accordance with our policy on medical Assessment);
(c) A valid DVLA Driving Licensing (old style pre-1998 paper licence), or DVLA Driver Photo-Card driving licence, where applicable. Photo cards must show a valid date for the entire period of the imminent licence. Expired licences will not be accepted;
(d) DVLA access code for licence renewal;
(e) DBS reference number for the update service;
(f) Tax check confirmation code as part of the application form; and
(g) Certificate confirming completion of refresher training on safeguarding children and vulnerable adults and disability awareness.

The Principal Licensing Officer may at any time refer a decision to grant or renew a driver's licence to the Council's Licensing and Regulatory Committee.

All drivers will be issued with a badge detailing their licence number, expiry date and a photograph of the licence holder. The badge must be prominently worn at all times when the driver is working.

Lost, or damaged badges must be reported on the next working day to the Licensing Office. A fee will be charged for a replacement badge.

Drivers will also be issued with a paper copy of the driver's licence.

14. Term of a Driver's Licence :

Under Section 53 of the 1976 Act a driver's licence issued by the Council is valid for a period of three years from the date of the licence, unless the Council believes it is appropriate in the circumstances of the case to issue a licence for a lesser period of time.

New applicants, and those applying to renew a driver's licence, may apply for a three-year licence. In those cases where there are no identified issues concerning the application, this would normally be granted.

Those licensed drivers issued with a three-year licence are required to have a valid DVLA licence, undertake the required medicals and DBS checks during the period when their licence is held.

Licensed drivers who are subject to specific annual medical checks, will be limited to having an annual licence issued.

15. Conditions Attached to a Driver's Licence :

The Council is able to attach such conditions to a private hire driver's licence as are considered reasonably necessary. The conditions set out at **Appendix 3** are considered reasonably necessary and may be legally imposed in respect of private hire drivers.

The law does not permit the Council to attach conditions to a hackney carriage driver's licence. Hackney carriage drivers are subject to Council's Byelaws which are freely available from the Council's Licensing Team on request, or by visiting the Council's website. All licensed drivers are subject to the Code of Conduct for Licensed Drivers.

16. Code of Conduct for Licensed Drivers :

The Code of Conduct for Licensed Drivers, ("the Code"), is newly introduced. Upon becoming licensed, all licenced drivers will be provided with a copy of the Code. The Code must be complied with by those licensed to drive hackney carriage vehicles and private hire vehicles. The Code will be taken into account by the Council when assessing whether a licensed driver remains a "*fit and proper person*" to continue to hold their licence and in deciding what disciplinary action, if any, should be taken. The Code is attached at **Appendix 4**.

17. Driver's Dress Code :

A new Dress Code for Licensed Drivers, ("the Dress Code"), has also been introduced. A dress code serves to enhance the professional image of the hackney carriage and private hire trade and promotes the concept that licensed drivers are professional drivers. The Dress Code is detailed in the Code of Conduct.

18. Driving Standards :

There is no requirement for new applicants seeking to become licensed drivers to demonstrate their respective driving skills under a bespoke test, or assessment. Whether they are a safe driver with a good driving record is determined by undertaking a check of their DVLA Driver's Licence for endorsements and by obtaining an Enhanced DBS Certificate.

19. Driver Improvement Scheme :

Where there are concerns regarding whether an existing licensed driver is a safe driver with a good driving record, the Council's Driver Improvement Scheme may be applied to the licensed driver. If the driver refuses to undertake a driver improvement course under the Driver Improvement Scheme their case will be referred to the Committee for determination. **Appendix 6** sets out information about the Driver Improvement Scheme.

20. Changes to Licence Details :

Drivers are required to notify the Council in writing, (ie. electronically), within one calendar month of any change to their home address, or any change to their name that appears on their licence using the following form :
https://sunderland.gov.uk/Taxi-Licensing-change-of-details

21. Voluntary Surrender of a Driver's Licence :

Although there are no statutory provisions within the Town Police Clauses Act 1847, or the 1976 Act which allow for the voluntary surrender of a driver's licence, the Council recognises there are many legitimate reasons why a driver may wish to surrender their licence. For example, this could include changes in their medical condition, changes in their personal circumstances, or the driver may simply wish to pursue another career path.

Any request to return a driver's licence is required to be made in writing. The Council will consider each case on its merits. The surrender of a driver's licence will not be accepted whilst there is an ongoing investigation being undertaken by the Licensing Section concerning the driver in question.

If the Council accepts the surrender of the driver's licence the licensed driver will no longer be licensed to drive as a licensed driver from the point when their licence and driver's badge are returned to the Council. In order to surrender their licence a licensed driver is required to complete and return the duly completed Driver's Licence Voluntary Surrender Form. A copy of the Form is shown in **Appendix 5.** This Form is required to be physically returned by the licensed driver, or their nominated person to the Licensing Section at City Hall, together with the relevant document(s) and badge(s).

22. Registers and the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 :

The Council provides information to the National Register of Taxi Licence Refusals and Revocations, (NR3). This is a mechanism for licensing authorities to share details of individuals who have had a hackney carriage driver's licence, or private hire vehicle driver's licence revoked, or an application for one refused. At the time of preparing this Policy Document the NR3 is a voluntary arrangement. In terms of data protection, the sharing of such information is necessary for the performance of a task carried out in the public interest, or in the exercise of official authority vested in the Council – that is, assessing whether an individual is a "*fit and proper person*" to hold a licence.

Where a driver's licence is revoked, or an application for one refused the Council will automatically record this decision on the NR3. A decision to refuse, or revoke a licence of an individual thought to present a risk of harm to children, or vulnerable adults will be referred to the DBS.

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

In addition to the NR3, the Council also shares information with neighbouring licensing authorities regarding revocations, refusals and suspensions of drivers' licences. This is done under the Regional Register of Revocations, Refusals and Suspensions, ("the Regional Register").

The Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022, ("the 2022 Act"), received Royal Assent on 31st March, 2022. It introduces the following new duties on licensing authorities, which includes the Council, which are designed to promote the overriding objectives of public safety and the sharing of information to ensure only "*fit and proper persons*" are licensed to drive licensed vehicles, :-

(a) Under Section 2 of the 2022 Act a statutory duty is introduced for licensing authorities to record information in a database about licensing decisions that have been taken. The following decisions in respect of a driver's licence are in issue : refusal to grant; refusal to renew; suspension; and revocation. These decisions can be taken at Officer, or Committee level. The following information is required to be recorded on the database within five working days commencing with the day on which the licensing authority notifies the person of its decision, :-

(i) The person's full name, date of birth, home address and national insurance number;
(ii) If the person holds a licence to drive a motor vehicle granted under Part 3 of the Road Traffic Act 1988, the driver number shown on the licence;
(iii) If the person holds a Northern Ireland driving licence, the driver number shown on the licence;
(iv) If the person holds a Community licence, the number of the licence;
(v) The name of the licensing authority and details of how further information about the decision can be obtained from the authority;
(vi) The date on which the decision was made and, (if different), the date on which it takes effect;
(vii) Confirmation of the decision that was made;
(viii) The date on which any subsequent change to the decision was made and, (if different), the date on which it takes effect;
(ix) If the decision is to suspend the person's driver's licence for a period, the date on which the suspension is to end; and
(x) Such other information as the Secretary of State may by Regulations made by statutory instrument prescribe.

There is a duty to ensure that an entry is kept up-to-date, ie. due to any appeals that may be presented to the Magistrates' Court and the Crown Court.

It is not yet known if the NR3 is to be used as the database, or if a new database is to be established. The date when these recording duties are to come into effect are yet to be confirmed;

(b) Under Section 3 of the 2022 Act before making a decision on an application for a driver's licence, or the renewal of a driver's licence the licensing authority making the decision, ("the decision-making authority"), is subject to a statutory duty to undertake a search of the database for entries relating to the person in issue. If an entry has been made in the database by a recording authority the decision-making authority is required to make a request in writing to the recording authority for "*relevant information*" on which they relied when making the decision which is recorded in the database. "*Relevant information*", as to a person, is

defined under the Act as meaning "*information indicating that the person*" has, (underlined emphasis added), :-

- Committed a sexual offence, (regardless of whether the person was charged with, prosecuted for, or convicted of the offence);
- Harassed another person;
- Caused physical, or psychological harm to another person, (regardless of whether the person was charged with, prosecuted for, or convicted of the offence);
- Committed an offence that involves a risk of causing physical, or psychological harm to another person;
- Committed an offence under Section 165, 168, or 170 of the Equality Act 2010, (regardless of whether the person was charged with, prosecuted for, or convicted of the offence);
- Did anything that constitutes unlawful discrimination, or victimisation against another person for the purposes of the Equality Act 2010;
- Threatened, abused, or insulted another person;
- Poses a risk to road safety while driving; or
- May be unsuitable to hold a driver's licence for other reasons related to the safeguarding of passengers, or road safety.

Whilst there is no specific reference to dishonesty issues in the above list, dishonesty may come into play under the last provision.

The decision-making authority who receives this information "*must have regard to the information when making*" their decision in relation to the person. The recording authority must provide the requested information to the decision-making authority within 20 working days starting on the day the request is received;

(c) Under Section 5 of the 2022 Act there is a new statutory duty on English licensing authorities, ("the first authority"), to report concerns about drivers licensed by other licensing authorities, ("the second authority", ie. English, Scottish, or Welsh licensing authorities, or equivalent), when the first authority becomes aware of "*relevant information*" about a person who has driven in their area, but they are licensed by the second authority, ie. a duty to report concerns about drivers licensed in other areas. Only the second authority can make licensing decisions regarding the driver's licence, not the first authority. In real terms, the Council already shares information of this type. Section 5 now puts this on a statutory footing.

Section 5 is engaged where, :-

(i) The first authority is aware of "*relevant information*" about a person who has driven in their area under a driver's licence, or relevant licence granted by the second authority;
(ii) The "*relevant information*" relates to the driver's conduct in the first authority's area; and

(iii) The first authority is satisfied, (ie. on the balance of probabilities), that, had it granted the driver's licence, it would have considered suspending, or revoking it in reliance of the "*relevant information*".

Where Section 5 is engaged the first authority is required to provide to the second authority the following information before the end of 10 working days starting with the day on which the first authority became aware of the "*relevant information*" relating to the licensed driver, :-

(a) The "*relevant information*"; and
(b) Any other information which is relevant to identifying the person.

The duties under Section 5 commenced on 31st May 2022.

(d) Section 6 of the 2022 Act leads on from Section 5, ie., a statutory duty as regards reported concerns about drivers licensed in other areas. In summary, Section 6 sets out what is to be done when an English licensing authority receives information in accordance with Section 5, as explained above. The second authority, (who has received information from the first authority), has 20 working days from the date it becomes aware of the information from the first authority to undertake the following, :-

(i) Consider whether it is to suspend, or revoke the driver's licence in reliance of the information received from the first authority, plus "*any other information available to*" it. Upon receipt of information from the first authority it is assumed that the second authority will undertake an appropriate investigation of its own, with the catalyst for this being the information received from the first authority. This may involve contact being made with Licensing Officers from the first authority to discuss matters and the licensed driver being interviewed. The scope of the investigation will be determined by the case facts. Consequently, other persons may be interviewed too, such as passengers;

(ii) To inform the first authority in writing about whether, or not it has suspended, or revoked, or intends to suspend, or revoke the licensed driver's licence; and

(iii) The reasons for that action, or the intended action.

The duties under Section 6 also commenced on 31st May 2022. Where Sections 5 and 6 are engaged it may well be the case that the second authority also undertakes a check of the database to see if there is any further information available about the licensed driver. Again, it has not been uncommon for issues and concerns to be raised with the Council's Licensing Section by passengers using licensed vehicles in the City of Sunderland which are licensed by neighbouring authorities. This has occurred when passengers have thought that the Council was responsible for the licensing of the driver in issue. When matters have been reported to the Licensing Section, such information has been shared with the licensed driver's correct licensing authority, if known.

If a decision is taken by the second authority to suspend, or a revoke a licensed driver as a result of information received from a first authority, the second authority will then need to comply with its duty under Section 2 of the Act to record information about licensing decisions in the database.

23. Tax Conditionality and the HMRC :

Tax Conditionality has been introduced to help the HMRC tackle the problem of undeclared earnings within the licensed trade.

As from 4th April, 2022 all individuals applying to renew their licence to drive a licensed vehicle, or to renew a private hire operator's licence will need to complete a tax check. An applicant will need a 9-character tax check confirmation code which can be obtained by submitting their details into an online service which is administered by the HMRC. Tax conditionality requirements must be met before the Council can consider an application for the licence that is in issue. The Council is prohibited from considering an application until certain, prescribed matters have been completed. To some extent tax conditionality introduces an additional element to the "*fit and proper person test*", albeit one which is an administrative exercise. It could be argued that tax conditionality does raise honesty issues, ie. where an individual should be registered to pay tax, but is not.

Tax conditionality issues will not need to be considered by the Committee. Such issues will be addressed at an Officer level. HMRC has taken the decision to divide tax conditionality checks into two parts, ie. first-time applications and renewal applications.

For first-time Applications the Council is required to give information to applicants about tax compliance. A first-time application arises where an Applicant has not previously been granted the licence that is sought, or the applicant has previously held the licence that they are seeking, but that licence has not been in effect for a period of one year ending with the date on which the application is made.

Information about tax compliance is highlighted in the application form, with guidance specified by the HMRC being signposted. The applicant will be asked to confirm in their application form that they are aware of HMRC's guidance. The application form also draws to the attention of the applicant the respective powers of the HMRC to obtain information from the Council under specified statutory provisions : Schedule 36 of the Finance Act 2008, (information and inspection powers), and Schedule 23 of the Finance Act 2011, (data-gathering powers).

For renewal applications, the Council is required to obtain confirmation of a tax check from an applicant. A tax check is required if the applicant is, :-

1. Renewing a licence;
2. Applying for the same type of licence previously held, that ceased being valid less than a year ago; or
3. Applying for the same type of licence already held with another licensing authority.

All applicants must provide prescribed information to HMRC to enable a tax check to be performed in relation to them. The aim of this is to ensure that an applicant is appropriately registered for tax. The applicant completes this tax check via the GOV.UK website. However, there is an HMRC telephone support available for those unable to undertake a tax check online. Once done, the Applicant receives a 9-character tax check confirmation code from HMRC, which is valid for 120 days. The renewal application form contains a section for the applicant to provide their 9-character tax check confirmation code. Once their renewal form is submitted the Licensing Section uses the code to check with the HMRC to confirm that an applicant has completed a tax check. Unless the HMRC confirms that a tax check is not required in respect of an applicant due to default on the part of HMRC, the Council cannot consider a renewal application, unless HMRC confirms that an applicant has completed a tax check.

Where a tax check is undertaken, :-

(a) The Licensing Section only receives confirmation from HMRC that the tax check has been completed. It does not have access to any information about the applicant's tax affairs; and
(b) The 9-character tax check confirmation code is valid for 120 days. If it expires, the applicant will need to obtain a new code.

Further information about tax conditionality is available at :
https://www.gov.uk/government/publications/licence-application-tax-check-communications-resources/tax-cheactsheet

24. Renewal of Licences to Drive Licensed Vehicles :

Existing licensees must submit their application to renew their licence before their existing licence expires. Renewal applications should be submitted in good time before an existing licence expires. It is recommended that this is done at least two weeks prior to the expiry of their current licence. This will enable the Council to undertake the necessary checks to determine whether it is appropriate for the licence to be renewed, ie. for a decision to be made on whether they remain a "*fit and proper person*" to continue to hold their respective licence.

Licensees are advised to make a record of the date their licence is due to expire. If a further licence is sought, they should diarise when they need to submit a renewal application.

The key point is that a driver is not permitted to lawfully drive a licensed vehicle if their driver's licence has expired, and a new licence has not been issued.

E. Vehicles – Hackney Carriage and Private Hire :

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Appendices

Appendix 7 Hackney Carriage and Private Hire Specifications
Appendix 8 Schedule of Conditions Attaching to Hackney Carriage Vehicle Licences
Appendix 9 Schedule of Conditions Attaching to Private Hire Vehicle Licences
Appendix 10 Additional Policy and Standard Conditions for Limousines, Novelty Vehicles and Executive Hire

1. General Vehicle Specifications :

The DfT Best Practice Guidance March 2010 recommends that licensing authorities should adopt the principle of specifying as many different types of vehicles as possible that can operate as a licensed vehicle. However, they are encouraged to make use of the "type approval" rules within any specifications they determine. The Council will comply with any changes to vehicle requirements made by Government following the United Kingdom's withdrawal from the EU.

All vehicles will have an appropriate "type approval" which is either, :-

a) European Community Whole Vehicle Type Approval;
b) European Community Small Series Type Approval;
c) National Small Series Type Approval; or
d) Individual Single Vehicle Approval;

Vehicle type approval is the confirmation that production samples of a design will meet specified technical, safety and performance standards. The specification of the vehicle is recorded and only that specification is approved.

All vehicles subject to new applications for hackney carriage and private hire vehicle licences are required to have M1 European Whole Vehicle Type Approval (EWVTA).

EWVTA is based around EC Directives and provides for the approval of whole vehicles which is accepted throughout the EU without the need for further testing until standards or designs change. Category M1 covers vehicles designed and constructed for the carriage of passengers, comprising no more than 8 seats in addition to the driver's seat.

Most large volume production vehicles produced in the UK and EU States after 1987 will satisfy British and / or EWVTA. Specialist vehicles, or any vehicle that has been structurally modified, converted, or imported from a non-EU State since its original manufacture will require separate British Single Vehicle Approval (SVA) and / or DfT approval and such documentation must be submitted with an application.

Vehicles may be licensed for the carriage of up to eight passengers.

Vehicles may also be licensed to carry fewer passengers subject to compliance with specifications relating to passenger comfort and vehicle conditions.

Applications in respect of novelty vehicles and stretched limousines will be determined on their individual merits but should as a minimum have either, :-

(a) British National Type Approval; or
(b) SVA, ie. before 29th April 2009; or
(c) Individual Vehicle Approval, ie. from 29th April 2009.

Vehicles classified as an "Insurance write-off" that fall into Category A, or B will not be licensed, other than in exceptional circumstances. No vehicle will be licensed as either a hackney carriage, or a private hire vehicle where a condition report indicates

that the vehicle has been previously classified as a Category C, D, F, S or N insurance loss, unless a Motor Vehicle Repairers' Association Inspector appointed by the Council indicates that the vehicle is safe to be licensed. The cost of this inspection and any subsequent re-assessment must be met by the applicant.

The Council has also imposed requirements relating to the specifications of the vehicle and other matters. **Appendix 7** sets out these requirements. A brief overview of the general requirements for hackney carriages and private hire vehicles is set out below in Paragraphs 2 and 4 respectively

2. Hackney Carriage Vehicles :

A hackney carriage vehicle is a wheeled vehicle used in standing, or plying for hire that is required to have a numbered plate fixed upon it. The legal definition of a hackney carriage is contained in the Town Police Clauses Act 1847.

A hackney carriage can ply for hire and also wait at a hackney carriage stand.

Conditions can be imposed upon the grant of a hackney carriage proprietor's licence and the Council has Byelaws to control the conduct of both the proprietors and the drivers. There is also the Code of Conduct for Licensed Drivers. In addition, all hackney carriages must be, :-

(a) White in colour;
(b) Maintained to the standard prescribed by the Council;
(c) Fitted with an approved roof sign bearing the word "TAXI";
(d) Display the Council's licence plate, which must be securely attached to the exterior rear of the vehicle as prescribed by a condition of the Council;
(e) Fitted with a meter of an approved type with the fares charged as determined by the Council;
(f) Meters, after being checked for accuracy, must be sealed by an agent approved by the Council; and
(g) Display any additional decals that may be issued by the Council from time to time attached in locations on the vehicle as stipulated by the Council

3. Meters :

It is a requirement for all hackney carriages to be fitted with a meter to calculate the fare for journeys taken.

Meters must comply with the Measuring Instruments (Taximeters) Regulations 2006 and must be of the calendar control type which is locked and sealed by an approved manufacturer, or supplier and / or installer so that tariff rates change automatically and cannot be changed, or tampered with manually by the driver. This specification also applies to private hire vehicles where a meter is fitted.

4. Private Hire Vehicles :

A private hire vehicle is a motor vehicle constructed, or adapted to seat up to 8 passengers, (plus the driver), which is provided for hire with the services of a driver

for the purpose of carrying passengers. Every hiring for a private hire vehicle must be pre-booked through a licensed private hire operator. Any vehicle used as a private hire vehicle must be licensed under the provisions of the 1976 Act.

Before granting a vehicle licence the Council must be satisfied that the vehicle meets the following criteria, : -

(a) Is suitable in type, size and design for use as a private hire vehicle;
(b) Is not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
(c) Is in a suitable mechanical condition;
(d) Is safe; and
(e) Is comfortable.

Conditions may be attached to the grant of a vehicle licence as are considered reasonably necessary.

In addition to the legislative requirements, the Council can impose conditions relating to the specifications of the vehicle and other matters. **Appendix 7** sets out the conditions relating to the specifications of the vehicle.

In addition, all private hire vehicles must, :-

(a) Be any colour but white in colour;
(b) Be well maintained;
(c) If the vehicle is fitted with a meter, it must be properly tested and sealed; and
(d) Display the Council's licence plate, which must be securely attached to the exterior rear of the vehicle as prescribed by a condition of the Council.

5. Novelty Vehicles, Stretched Limousines and Executive hire Vehicles

The Council recognises the role novelty vehicles, (such as converted fire engines and stretched limousines), play in the private hire trade to meet a public demand. The Council has developed an additional policy and standard conditions for novelty vehicles and limousines. Reference is made to **Appendix 10.** The document also has application to executive hire vehicles. Such vehicles will only be licensed as private hire vehicles.

It is not appropriate for novelty vehicles, stretched limousines, or executive vehicles to be used for standard hiring. Licensed operators should only send such vehicles when specifically requested by the hirer.

Many novelty vehicles and, in particular stretched limousines, are imported for commercial purposes. They are required to have an Individual Type Approval Test, (IVA) undertaken. This ensures that the vehicles meet modern safety standards and environmental standards before being used on public roads.

For more information on stretched limousines, please find information provided by VOSA at their website here;

https://www.gov.uk/government/publications/guidance-for-operators-of-stretch-limousines

The sale, or provision of alcohol, (or provision of regulated entertainment), from any vehicle is prohibited. Moreover, if any of the occupants, (save for the driver and accompanying responsible adult), are under the age of 18, then the consumption of alcohol in the vehicle, or otherwise is prohibited.

Where the passengers in the vehicle consist of children and young persons, they must be accompanied by a responsible adult, (other than the driver), who is aged 18 years, or over and is not connected to the driver.

Pursuant to Section 75 of the 1976 Act, there is no requirement for a vehicle to be licensed where, :-

(a) It is being used in connection with a funeral, or is being wholly, or mainly used by a person carrying on the business of a Funeral Director for the purpose of funerals; and
(b) It is being used in connection with a wedding

Proprietors of private hire vehicles, (including proprietors who are seeking a private hire vehicle licence), used for executive hire, novelty vehicles and stretched limousines are able to apply for an exemption under Section 75(3) of the 1976 Act from the requirement to display licence plates.

Any proprietor wishing to apply for this exemption should be engaged exclusively in the provision of a “chauffeur” style executive service with an executive type vehicle, or the vehicle should be a stretched limousine, or other novelty vehicle, as agreed by the Council. The proprietor must satisfy the Council that the, :-

(a) Specification of the vehicle constitutes an executive vehicle and
(b) the overall level of service provision constitutes an executive hirer
(c) the overall specification of the vehicle constitutes a novelty vehicle.

The submission of contract specifications and/or evidence of all contract and account customers, including usage will be required to support any application for an exemption. Applications for exemptions are to be made in writing with a proposed business case.

If an Exemption is granted, The Council will issue a written notice that exempts the vehicle from having to display identification plate(s). This notice must be carried in the vehicle at all times and be available for inspection on request by an Authorised Council Officer of the Council or a Police Officer.

A rear licence plate will also be issued, and this shall be carried in the boot or other discrete compartment of the vehicle as appropriate of the vehicle at all times whilst the vehicle is being used in accordance with the Exemption Notice. The Exemption Notice and the rear licence plate shall be produced to an Authorised Council Officer, or Police Officer when requested.

Whilst the vehicle is being used in accordance with the Notice, the driver of the vehicle shall be required to carry his private hire driver badge in the vehicle but shall be exempt from wearing it.

No advertisements of any kind shall be displayed in, on or from the vehicle at any time whilst the Exemption Notice is in force. Company logos shall not be displayed on any part of the vehicle.

6. Emission Restrictions and Age :

The DfT Guidance asks licensing authorities to consider how far their vehicle licensing policies can and should support any local environmental policies that they may have adopted, bearing in mind the need to ensure that benefits outweigh costs. They suggest that authorities may, for example, wish to consider setting vehicle emissions standards, such as by promoting cleaner fuels.

The Council recognises the introduction of Clean Air Zones (CAZ) around the country and supplies weekly data to DEFRA as required

Licensed vehicles are an essential form of transport in the City of Sunderland. Many people depend on such vehicles for trips that buses and other forms of public transport are unable to fulfil.

Licensed vehicles often achieve higher occupancy rates than a private car and therefore to some extent already play their part in helping to achieve environmental improvements in the City. It is important that emissions from licensed vehicles are reduced as far as possible. It is proposed that efforts are made to improve, as far as possible, the efficiency of licensed vehicles by, amongst other things, reducing the levels of CO2 emitted.

The Council aims to improve our environment and air quality by encouraging the use of low and ultra-low emission licensed vehicles, such as electric, hybrid, or liquefied petroleum gas vehicles.

In terms of key dates, :-

1. As from April 2025 the Council will not issue new vehicle licences in respect of vehicles aged over five years of age. This will ensure compliance with Euro 6 Emissions Standards;

2. By 2030 the Council also aims to only issue vehicle licences to ultra-low, or zero emission vehicles; and

3. The Council has a Low Carbon Framework Document which sets out the target of Sunderland to become a net neutral carbon city by 2040. This document can be found at : https://www.sunderland.gov.uk/media/22959/Sunderland-Low-Carbon-Framework/pdf/Sunderland_Low_Carbon_Framework1.pdf?m=637461416504170000

Emissions from licensed vehicles could be reduced further by encouraging better maintenance and by switching off engines when stationary, or idling, particularly when at taxi ranks. It is proposed that these issues be addressed with hackney carriage and private hire trade via education and promotion.

The Council is committed to improving air quality and to continue to reduce vehicle emissions within the City. This is shown by the commitment to tougher emission standards for all licensed vehicles and longer-term plans aimed at promoting "cleaner vehicles", expanding the electric charging infrastructure to encourage uptake of electric vehicles amongst the taxi trade, as well as educational interventions.

In respect of vehicles submitted for licensing as a hackney carriage, or private hire vehicle the following age restrictions will apply from the stated dates, :-

(a) From 1st April 2025 no vehicle will be granted an initial licence unless the vehicle is aged under five years of age;
(b) From 1st April 2025 no vehicle licence will be renewed unless the vehicle is aged under 8 years of age;
(c) From 1st April 2026 no minibus type vehicle licence will be renewed unless the vehicle is under 8 years of age, except for wheelchair accessible vehicles such as London Cabs; and
(d) From 1st April 2027 no licence will be renewed for wheelchair accessible vehicles unless the vehicle is under 10 years of age.

Any vehicle to be licensed must be suitable so as to comply fully with the requirements of the prospective licence in respect of the fitness, suitability, colour, size and type of vehicle and any obligatory fixtures and fittings. Reference is made to the specifications set out in **Appendix 7.**

All "full electric" and "zero emission at source" vehicles are exempt from the above age standards.

7. Accessibility :

The Council will license both a purpose-built wheelchair accessible vehicle and a vehicle that is suitable in size and design and has been converted or adapted after the date of first registration to enable the carriage of a Reference Wheelchair as defined in Schedule 1, Part 2 of The Public Service Vehicles Accessibility Regulations 2000. Any conversion is required to be carried out by an approved vehicle convertor, such as the Wheelchair Accessible Vehicle Converters' Association. A Certificate of Fitting provided by the convertor is required to be supplied.

8. Limitation of Numbers :

No powers exist for licensing authorities to limit the number of private hire vehicles that can be licensed to operate in their respective area. The position is different for hackney carriage vehicles.

The present legal provisions on quantity restrictions for hackney carriages are set out in Section 16 of the Transport Act 1985. This provides that the grant of a hackney carriage vehicle licence may be refused, for the purpose of limiting the number of licensed taxis if, "*but only if, the person authorised to grant licences is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet*". Any new application for a hackney carriage proprietor's licence that would be in excess of that number will be refused if the Council is satisfied that there is no significant unmet demand for taxi services within the area. An applicant whose licence is refused has a right of appeal to the Crown Court.

To establish whether there is unmet demand requires a survey to be conducted. The last survey was undertaken in 2017 The cost of such survey is met from the taxi licensing budget.

The City of Sunderland is split into two zones where hackney carriages can ply for hire. These are the Sunderland Zone, (Yellow, Orange, or Red plates), and the Hetton, Houghton and Washington Zone (Green plates).

The Council is satisfied that there is no significant unmet demand for hackney carriage services within this area. It has placed a limit on the number of hackney carriage vehicle licences that can be issued, this limit has been determined as follows, :-

(a) The Sunderland Zone : 284; and

(b) Hetton, Houghton and Washington Zone : 65.

The total number of licensed hackney carriage vehicles is : 349.

The current limit includes grandfather rights granted to proprietors of saloon vehicles. These rights are to remain and encourage a mixed fleet of hackney carriage vehicles consisting of saloons and wheelchair accessible vehicles. However, the surrender of a licence removes these grandfather rights. Any newly licensed hackney carriage vehicle must be a suitable wheelchair access vehicle.

The restriction on the number of licensed hackney carriage vehicles will be periodically reviewed.

9. General Requirements for Vehicles :

Insurance :

All vehicles must always have a current valid policy of insurance appropriate to the vehicle and its use. This policy must be in place before a licence can be granted. The insurance cover must include public liability cover with a minimum of £5 million.

Certificates for private hire vehicles are not acceptable if they include cover for public hire purposes, unless a valid reason can be demonstrated as to why the vehicle should be insured for public hire as well.

Individual policies are required to be provided for each vehicle. However, a fleet insurance policy will be accepted as long as it includes a schedule detailing all of the vehicles covered.

If the fleet policy covers a mixed fleet of both private hire and hackney carriage vehicles, the policy is required to make it clear that cover for private and public hire services is subject to the appropriate local authority licences being held. It is the responsibility of the applicant to produce a valid certificate of insurance and the policy document when applying for the grant or renewal of a vehicle licence.

It is an offence to drive a licensed vehicle without the appropriate insurance in place. Requests to produce insurance may be made during the term of the licence. These requests must be complied with in accordance with the time scales stipulated in the request.

If a vehicle is off the road and uninsured the proprietor must advise the Licensing Section in writing immediately, or in any event within 72 hours of the vehicle coming off the road.

10. Advertisements, Signs, Notices etc. :

Subject to the following exceptions, no advertisements, signs, notices, video, or audio display etc., or other markings are to be displayed on, in, or from the licensed vehicle, :-

(a) Any sign, notice, or other marking required to be displayed by legislation, or any condition attached to the licence; or
(b) Any signage, or advertising approved in writing by the Council.

Advertisements, signs, or notices must not be of a content that the Principal Licensing Officer deems to be offensive, or abusive. Further guidance as to the content of the advert may be sought from the Advertisement Standards Authority : www.asa.org.uk

No commercial advertising on vehicles is allowed, or is to be affixed without prior approval of the Council and must not, :-

(a) Be affixed to any window of the vehicle;
(b) Be affixed to any door, or panel on which the Council required sign is located; and
(c) Be affixed to any part of the interior, or exterior of any private hire vehicle operating under an Exemption Notice;

Any unauthorised advertisements will be required to be removed and appropriate action will be taken for failing to comply. Any queries regarding advertisements, signs, or notices must be referred to the Licensing Section.

11. Accident Notification :

The proprietor is required by Section 50 (3) of the 1976 Act to notify the Council in writing within 72 hours of any accident that results in damage that materially affects the safety, performance, or appearance of the licensed vehicle, or the comfort, or convenience of persons carried therein. Such matters can be reported via : https://sunderland.gov.uk/article/16406/Report-an-accident-or-incident-to-us

The proprietor must comply with any request to either produce evidence of insurance for the vehicle and / or produce the vehicle for inspection, so that its roadworthiness can be assessed. Any failure to do so is an offence and the appropriate action will be taken including suspension of the vehicle and potential prosecution for failure to produce insurance.

The proprietor must submit their licensed vehicle for any further testing and / or examination as requested by the Council and are responsible for the production of any independent engineers' reports considered necessary by the Council.

Where a licensed vehicle has sustained accident damage and is subsequently declared an "Insurance write off", (ie. Category A, B, and S), and / or the V5 document is endorsed as being "accident damaged" the vehicle will no longer be allowed to remain a licensed vehicle. Non-structural damage will be considered subject to a satisfactory engineer's report and mechanical examination.

12. Vehicle and Meter Testing :

In addition to obtaining a valid MOT certificate, all vehicles are required to undergo an inspection conducted by a vehicle examiner at the Council's testing station prior to being licensed and within every 6 months thereafter. The test must be booked and paid for through our online test booking system :
https://www.sunderland.gov.uk/article/19074/Taxi-Vehicle-test-booking
Any vehicles failing this test will be required to have a retest. Pending the outcome of the retest, a vehicle's licence will be suspended.

Any vehicle which fails to be presented for a pre-arranged inspection at the Council's Testing station will be deemed to have failed the test. A further test and full payment of the test fee will be required, and the vehicle licence shall be suspended until the test has been successfully undertaken.

A vehicle test may be re-arranged by providing a minimum of 2 working days' notice, using the above online booking system prior to the date of the test without loss of the test fee.

It is the proprietor's responsibility to ensure that their licensed vehicle is roadworthy and always maintained to the Council's standards. Proprietors failing to maintain their vehicles in a safe and roadworthy condition may have their licence(s) suspended or revoked by the Council.

13. Application Procedure :

The Council has developed a step-by-step process for applying for a vehicle to be licensed. All licences are granted in line with the Policy Document and new

applicants should familiarise themselves with the requirements of the Policy Document before taking the first steps to become licensed.

The following original documents, along with the appropriate fee, are to be submitted electronically for new and replacement vehicle applications, :-

(a) Application form. This must be submitted by a named person(s), or a company;
(b) The vehicle registration document, (V5C – logbook), in the name of the applicant, (ie. registered keeper). Where an applicant has joined the Driver and Vehicle Licensing Agency (DVLA) V5C on Demand Scheme the printable PDF of the vehicle details from within their View Vehicle Record will be accepted as an alternative to the V5C document, so long as it is accompanied by a copy of the letter from the DVLA confirming that the applicant has joined the V5C On Demand Scheme;
(c) Appropriate valid certificate of motor insurance and public liability insurance;
(d) Vehicle test “Pass” certificate from the Council’s testing station;
(e) A current MOT certificate for the vehicle;
(f) In the case of a wheelchair accessible vehicle, Certification from the Vehicle Certification Agency (VCA) confirming that the vehicle meets the European Community Whole Vehicle Type Approval Standards in the M1 Category;
(g) Meter calibration certificate, where applicable; and
(h) If the proprietor is not already a licensed driver, a Basic DBS Certificate will be required at the time of application.

Applications for licence renewals should be made at least seven working days prior to the licence expiry date. This is to allow sufficient time for the application to be processed.

Applications will not be determined until the Council receives all relevant documents listed above. Only then will the application process be completed, and the vehicle licence and plates be produced. Issued licences and licence plates must be collected in person from the Licensing Section by the proprietor, or their nominated representative.

If an application is refused by the Committee the fee is non-refundable

The Council has the discretion to attach, amend, or remove conditions in respect of a vehicle licence.

Proprietors should be aware that the Council is obliged to provide information in respect of joint proprietors to any Government office, if requested to do so.

14. Transfer of Interest :

If a proprietor of a licensed vehicle transfers their interest in a licensed vehicle to a person other than the proprietor whose name is specified in the vehicle licence, within 14 days after such transfer are required to notify the Council in writing of the

name and address of the person to whom the vehicle has been transferred. This can be done using this form : https://sunderland.gov.uk/article/16404/Transfer-ownership-of-a-licensed-vehicle-to-another-owner If the interest is transferred to a person currently named on the licence the Council should also be advised in writing of this. Arrangements will be made to remove the outgoing proprietor from the licence.

The new proprietor must provide:

(a) An insurance certificate, or cover note for the vehicle;
(b) If the proprietor is not currently a licensed driver, a Basic DBS Certificate.

In the case of the death of an existing licence holder, the new proprietor, in addition to completing a Transfer of Ownership Form, is required to additionally provide the following document to the Council, :-

(c) A copy of the death certificate

15. CCTV in Vehicles :

The DfT Best Practice Guidance March 2010, recommends that licensing authorities look sympathetically on, or even actively encourage the installation of security measures such as a screen between driver and passengers, or CCTV systems as a means of providing some protection for vehicle drivers The Standards Document highlights the benefits of CCTV in deterring and preventing crime, reducing the fear of crime, assisting with investigations and assisting insurance companies when investigating accidents.

It is not currently proposed that such measures should be required as part of the licensing regime at this time. However, the use of an internal CCTV system must be installed in cases where a licensed vehicle has tinted windows fitted where the light transmittance is otherwise in accordance with the Council's tinted window specifications. This is in accordance with the latest DfT guidance

If CCTV is installed, the proprietor of any vehicle with CCTV must register with the Information Commissioners Office, ("notification"), and produce documented evidence of that registration to the Council. They must comply with all legislation in relation to use of cameras, along with codes of practice and guidance. They must also display a sign approved by the Council advising passengers that a CCTV system is in operation in the vehicle.

Where CCTV is in place there is an expectation that it is in working order when passengers are being carried. The CCTV system should be maintained to the manufacturer's standards and recordings must be retained for 28 days to be made available for viewing by a Police Officer, or an Authorised Council Officer on request. Any failure to comply with this request will be reported to the Council.

Any reports of misuse of CCTV, or recorded images may result in the immediate referral to the Committee, with a view to suspending both the vehicle and driver licences that are in issue.

It should be noted that external facing front and rear cameras used for the purposes of recording accidents, or incidents outside the vehicle may be installed without prior authorisation from the Council. Such cameras must not be used for recording audio from within the licensed vehicle, nor should they be moved to record images inside the vehicle.

16. Tinted Windows :

The Council's specification relating to the use of tinted windows in licensed vehicles is as follows, :-

(a) The windscreen is to have a minimum light transmission of 75%;
(b) All other front windows are required to have a minimum of 70% light transmission;
(c) All rear windows are required to have a minimum of 35% light transmission, unless the below criterion can be met where there will be no minimum light transmission.

The minimum light transmission specifications can be relaxed in the following circumstances, :-

(a) When the vehicle is a limousine, novelty vehicle, or executive hire vehicle operating under an Exemption Notice;
(b) The vehicle will not be engaged at all in any contract, or provision of vehicle for the carriage of school children, or based around the carriage of unaccompanied children / young persons, (under age 18 years unless accompanied by an adult other than the driver); and
(c) Written approval has been given by the Council.

For conditions attached to limousines, novelty and executive vehicles, please see **Appendix 10**

Notwithstanding the above, having regard to the latest DfT draft Guidance the Council will not require any licensed vehicle to adhere to the minimum tint specifications where that vehicle is fitted with a CCTV system as defined in Section 15 above, ie. CCTV in Vehicles.

17. Hackney Carriage Stands (Ranks) :

Appointed Stands :

The purpose of hackney carriage stands, (also known as a hackney carriage rank, or a taxi rank), is to provide the public with a set location where they can hire a licensed hackney carriage. The stand is the only place where a hackney carriage may ply for hire in a stationary position. They should be situated in locations where the public most need hackney carriages, such as adjacent to transport facilities, retail areas and places of employment, entertainment and leisure facilities. Stands should be sited so that passengers can board, or alight from the vehicle safely. Stands can be for continual, or part-time use.

From time to time the Council will review the provision of hackney carriage stands across the City of Sunderland. The last time a review was undertaken was in 2017 . Officers from the Licensing Section will work closely with the hackney carriage trade regarding “ranks”.

A list of the current “ranks” in Sunderland can be found via the following link : HACKNEY CARRIAGE RANKS IN SUNDERLAND

18. Creation of a Hackney Carriage Stand :

A new hackney carriage stand can be appointed by the Council pursuant to Section 63 of the 1976 Act. This allows new stands to be created on public highways, or private land with the appropriate consent of the landowner. They can be for continual or part-time use.

Prior to a new stand being created, or for the maximum number of vehicles that can use a stand be varied, a notice is required to be given to the Chief Officer of Northumbria Police. A public notice is also required to be published in the Sunderland Echo for a period of 28 days from the date of publication. The Council is required to take into account any objections, or representations received before confirming proposals.

New stands cannot be located where they may lead to obstructions.

19. Waiting on Hackney Carriage Stands :

It is an offence for any person to cause, or permit any vehicle other than a hackney carriage vehicle to wait on any stand for hackney carriages.

Drivers of hackney carriages may only wait on a stand whilst plying for hire, or waiting for a fare. Drivers who park on a stand and leave their hackney carriage vehicle unattended commit an offence.

When parking on a rank the driver must ensure that the whole of the vehicle is contained within the road markings of the rank. The vehicle must be parked in the direction indicated by the rank signage.

The signage for each rank indicates the maximum number of vehicles permitted on the rank. This number must not be exceeded. If the rank is full the licensed driver must proceed to another rank.

20. Hackney Carriage Fares :

Pursuant to Section 65 of the 1976 Act Councils have the power to set hackney carriage fares for journeys within their area. Hackney carriage fares, set by the Council, are a maximum and can be negotiated downwards by the hirer.

The Council will review the table of fares and other charges in connection with the hire of a vehicle when requested to do so by the hackney carriage trade. When

determining the level of fares consideration will be given to what is reasonable to expect the travelling public to pay, as well as the need to give the drivers an incentive to provide a service at all times it is needed.

A notice of variation to the maximum fare and other charges is required to be advertised in the Sunderland Echo for a minimum of 14 days from the date of publication to allow for the making of objections to the proposed variations. If no objections are received the variation will have effect on a day specified at the end of the consultation period. If any objections are received the matter will be referred to the Committee for consideration and a further implementation date will be set.

The Council is not able to set fares for private hire vehicles. It is a matter for negotiation between the hirer and the private hire operator at the time of booking. This should be made clear by the operator. When a hackney carriage vehicle is used for private hire services the fare charged cannot exceed that which would be charged under the table of fares applicable to hackney carriages.

When a journey ends outside of the Council's area a fare greater than that shown on the meter may be charged, but only if an agreement has been made with the hirer in advance. In the absence of such an agreement, only the metered fare can be charged. Failure to comply is an offence.

The current fare tariff can be found on the Council's website at : https://www.sunderland.gov.uk/media/26717/Hackney-carriage-tariff/pdf/oce11379_Hackney_Carriage_Scale_of_Fares_2022.pdf?m=637872805909830000

A table of fares is provided to each hackney carriage vehicle licence holder, which must be displayed in each vehicle so that it is easily visible to all hirers. This requirement also applies equally to private hire vehicles where a meter is fitted. Meters, where fitted must be used for all journeys.

All meters must be calibrated to the correct fare scale. It is an offence for the driver to demand more than the fare shown on the meter. The use of electronic card payments may not include any surcharge that would result in the fare exceeding the displayed metered fare for the journey. If this should occur the driver may be subject to prosecution.

A driver must, if requested by the hirer, provide a written receipt for the fare paid by them.

21. Renewal of Vehicle Licences :

1. Existing licensees must submit their application to renew their respective vehicle licence before their existing licence expires. Renewal applications should be submitted in good time or at least seven days in advance of an existing licence expiring. This enables the Council to undertake the necessary checks of the vehicle.

2. A hackney carriage vehicle licence can last for a maximum of one year, although it can be granted for a shorter period of time : per Section 43 of the Town Police Clauses Act 1847 and Section 5 of the Town Police Clauses Act 1889. A Private Hire Vehicle Licence can last for a maximum of one year : per Section 48(4)(c) of the 1976 Act. The usual practice is for vehicle licences to be issued for one year.

3. Licensees are advised to make a record of the date their licence is due to expire. They should also note when they need to submit a Renewal Application Form if they want to re-licence their vehicle.

4. A vehicle is not permitted to be lawfully driven as a licensed vehicle if the vehicle licence has expired and a new licence has not been issued.

F. Private Hire Operators :

Contents

1. Requirements and Obligations
2. Operator Legislation Test
3. Criminal Record Checks
4. Booking/Dispatch Staff
5. Immigration Status
6. Conditions
7. Insurance
8. Planning Consent
9. Application Procedure
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11. Address from which an Operator may Operate
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14. Change of Home Address
15. Convictions, Cautions, Community Resolution or On-Going Investigations
16. Complaints
17. Material Change
18. Renewal of a Private Hire Operator's Licence

Appendices

Appendix 11 sets out the conditions to be attached to an operator licence.

1. Requirements and Obligations :

Any person who operates private hire vehicles must apply to the Council for a private hire operator licence. Section 80(1) of the 1976 Act defines the terms “operate” as meaning “*in the course of business to make provision for the invitation or acceptance of bookings for a private hire vehicle*”.

A private hire vehicle may only be despatched to a customer by a private hire operator who holds an operator’s licence. Such a licence permits the operator to make provision for the invitation, or acceptance of bookings for a private hire vehicle. An operator may subcontract a booking to another licensed private hire operator anywhere in England, Wales and Scotland. Operators who outsource booking and dispatch functions cannot pass on the obligation to protect children and vulnerable adults. Operators will be required to evidence those comparable protections are applied by the company to which they outsource these functions.

A private hire operator must ensure that every private hire vehicle despatched is licensed and driven by a person who holds a private hire driver’s licence issued by the Council. It is a criminal offence to operate a private hire vehicle and / or driver without an operator’s licence.

The use of a driver who holds a passenger carrying vehicle licence, (“PCV”), and the use of a public service vehicle, (“PSV”), such as a minibus, to undertake a private hire vehicle booking should not be permitted as a condition of the private hire vehicle operator’s licence without the informed consent of the hirer.

Operators need to familiarise themselves with the law and ensure they employ suitable work methods in order to comply with the law and avoid committing licensing offences.

It is a condition of a private hire operator’s licence that the applicant operates from premises within the controlled area of the Council. A fixed landline telephone number for bookings must be provided at the premises. A licence will not be issued without this.

The Licensing Section may require sight of a business plan, or request additional information for new applications.

2. Operator Legislation Test :

A private hire vehicle operator licence may be applied for by a company, (via a director, or company secretary), or partnership. A “fit and proper person test” is applied to each of the directors, or partners. Private hire vehicle operators are required to advise the Council of any change in directors, or partners.

In accordance with Section 55 of the 1976 Act, the Council can only issue a licence authorising a person to act as an operator of private hire vehicles if “*satisfied that the applicant is a fit and proper person to hold an operator’s licence*”.

An operator does not have the same level of direct contact with the public as occurs with a licensed driver, ie. unless they also hold a driver's licence. However, an operator is in possession of information about people's whereabouts and movements. They will deal with the public either face-to-face, or over the telephone. There is a need for operators to be "*fit and proper*".

Section 62 of the 1976 Act sets out provisions enabling the Council to suspend, revoke and refuse to renew operator's licences. A discretion exists, with the following grounds applying, :-

(a) Any offence, or non-compliance with the provisions of the 1976 Act;
(b) Conduct on the part of the Operator which appears to the Council to render them unfit to hold an operator's licence;
(c) Any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted; or
(d) Any other reasonable cause.

3. Criminal Record Checks :

Private hire operator licences can only be granted to persons that the Council are satisfied are fit and proper.

A Basic DBS Certificate is required for all applicants of a private hire operator licences which can include company directors and company secretaries. Unless the applicant is already a licensed driver, such DBS checks are required to be undertaken annually. Being an operator of private hire vehicles is a position of trust. Operators gain detailed knowledge as to a person's movements, travel arrangements, ie. times when they are likely to be away from their place of residence.

If the applicant is currently licensed as a driver with the Council, they will be exempt from the requirement to produce a Basic DBS Certificate, since they will have already undergone an enhanced DBS check.

4. Booking / Dispatch Staff :

The Council needs to be satisfied that an operator can demonstrate that all of their staff who have contact with the public and / or oversee the dispatching of vehicles do not pose a risk to the public. For this reason, an operator's licence includes a condition requiring the operator to keep and maintain a register of all staff that take bookings and / or dispatch vehicles.

Operators are also required to evidence that they have had sight of a Basic DBS Certificate in respect of all individuals listed in their register of booking and dispatch staff and to ensure that Basic DBS checks are conducted on any individual added to the register, with this being compatible with their policy on employing ex-offenders.

DBS Certificates that are provided to operators are required to be less than one month old when viewed by the operator. When individuals start taking bookings and

dispatch vehicles for an operator they should be required, as part of their employment contract, to advise the operator of any convictions while they are employed in this role.

The operator's register is required to be "living document", ie. it is kept up to date and is maintained to record records of all those in these roles for the same duration as booking records are required to be kept by way of a licence condition, ie. not less than one year. This will enable cross-referencing between the register of staff and the booking records.

A record of the fact that the operator has had sight of a Basic DBS Certificate, (although the Certificate itself should not be retained), should be retained for the duration that the individual remains on the register. Should an employee cease to be on the register and be later re-entered, a new Basic DBS Certificate is required, with sight of this being recorded.

The register must be available for inspection at the request of an Authorised Council Officer.

5. Immigration Status :

All applicants for the grant, or renewal of a private hire operator's licence are required to demonstrate that they are not disqualified by immigration status from holding a licence by submitting in person one of several prescribed acceptable documents which show that the applicant has permission to be in the UK and undertake work as an operator. If an applicant has an indefinite right to remain and work in the UK, they will only be required to prove that entitlement once. The latest list of approved documents can be found here : https://www.gov.uk/government/publications/right-to-work-checklist/employers-right-to-work-checklist-accessible-version

An operator's licence will not be granted until the applicant is able to provide such evidence.

6. Conditions :

The Council has the power to impose such conditions on an operator's licence as it considers reasonably necessary. **Appendix 11** sets out the conditions that could be attached to an operator's licence.

Additional conditions may be imposed depending upon individual circumstances.

7. Insurance :

Applicants are required to produce evidence of appropriate public liability insurance, (£5 million), and employer liability insurance, where applicable.

8. Planning Consent :

Applicants are required to obtain planning consent, where necessary, for the premises from which they intend to operate.

The Planning Authority, (which is the Council), will be consulted by the Licensing Section as part of the application for a private hire operator licence. Their comments may be considered when determining whether a licence should be granted. The Principal Licensing Officer has discretion to refer any new, or renewal application to the Committee.

9. Application Procedure :

A step-by-step process for applying for an operator's licence has been developed. All licences are granted in line with this Policy Document and new applicants should familiarise themselves with the requirements of this document prior to taking the first steps to becoming licensed to operate private hire vehicles.

The following documents are required to be submitted on-line for a new, or renewal application, :-

(a) Application form;
(b) Immigration status documentation, unless the applicant is an existing licensed driver;
(c) Details of all vehicles and drivers to be operated;
(d) Basic DBS Certificate, unless the applicant is an existing licensed driver and has an Enhanced DBS Certificate;
(e) Their Safeguarding Vulnerable Passengers Policy;
(f) Policy on employing ex-offenders;
(g) Pass / completion certificate for safeguarding children and vulnerable adults and disability awareness, unless the applicant is an existing licensed driver and has completed this training;
(h) Public liability insurance certificate; and
(I) Employer liability insurance certificate, where applicable;

As part of the application process Licensing Officers may undertake a site visit prior to a decision being taken on whether a licence is to be granted.

10. Licence Duration :

New applicants and applicants for the renewal of a licence will be granted a five-year licence where there are no issues concerning the application. A one-year licence may be applied for at the time of application.

Applicants for grant and renewal of a private hire operator's licence who are not licensed as drivers will be required to provide a new Basic DBS Certificate on an annual basis.

An applicant and those licensed as operators will be liable for prosecution if they make a false declaration, or omit to provide any requisite information as part of the application process.

11. Address from which an Operator may Operate :

Upon grant of an operator's licence the Council will specify the address from which the operator is permitted to operate.

These premises must be in the controlled area of the Council, (ie. located within the area of the City of Sunderland) and will be expected to have planning consent for use as a private hire office, where deemed applicable. If an operator wishes to change the base from which they operate they must make a fresh application.

Due to the potential for nuisance to residents associated with the parking of vehicles whilst they are waiting to be allocated work, a condition will be placed on licences requiring operators to identify specific locations as bases where vehicles waiting for bookings will park.

A condition will also be placed on licences requiring operators to operate only hackney carriage and private hire vehicles and drivers that have been licensed by Sunderland Council, unless subcontracting to another private hire operator outside the controlled area of Sunderland. Where this is the case, the operator must ensure that vehicles are of the equivalent standard required by the Council. This is to ensure that the travelling public of Sunderland are provided with a consistent standard of service.

12. Record Keeping :

Section 56 of the 1976 Act requires Private Hire Vehicle Operators to keep records of each booking. The following information is required to be kept for each booking including, :-

(a) Name of the hirer / passenger;

(b) Date and time of the hiring;

(c) Agreed date and time of the pick-up

(d) Pick-up point;

(e) Destination;

(f) Name, or unique callsign of the driver allocated to the booking;

(g) The driver's licence number;

(h) Vehicle registration number of the vehicle;

(I) Name of any individual that responded to the booking request;

(j) Name of any individual that dispatched the vehicle; and

(k) Remarks, (including details of any booking sub-contracted to another private hire operator).

Records should be preserved for a period of not less than 12 months and be available for inspection at the request of an Authorised Council Officer, or Police Officer. These shall be kept either in a suitable book, the pages of which shall be

numbered consecutively, or by use of a computer database where dates and times of information inputted can be verified. This information must be readily available (or at least within 48 hours of request), to be viewed by an Authorised Council Officer, or Police Officer.

13. Sub-Contracting of Private Hire Bookings :

Operators are required to keep a record of every sub-contract made with the operator or arranged by the operator.

14. Change of Home Address :

The operator will notify the Council in writing of any change of their home address during the period of the licence within seven days of such change taking place. This must be submitted, in writing, to the licensing section at licensing@sunderland.gov.uk

15. Convictions, Cautions, Community Resolution or On-Going Investigations :

The operator will within 48 hours disclose to the Council in writing details of any conviction, caution, or community resolution imposed on them, (or, if the operator is a company, of any of its directors), during the period of the licence.

The operator will within seven days disclose to the Council in writing of any on-going Police, (or other authority), investigation in respect of them (or, if the operator is a company, of any of its directors). This must be submitted, in writing, to the licensing section at licensing@sunderland.gov.uk

16. Complaints :

The operator must keep a record of any complaints received concerning a contract for hire, or purported contract for hire relating to, or arising from their business and the action that the operator proposes to take. These details are required to be kept on file for a period of no less than 12 months.

Where the Council becomes aware of any complaint and investigates it, the operator must comply with any reasonable request, or directive issued by the investigating officer from the Council's Licensing Section.

Whilst it is expected that the operator will attempt to resolve all complaints initially, operators must notify the Council in writing by the next working day of receipt of any allegation, concern, or complaint received relating to any person licensed by the Council which involves the following, :-

(a) Sexual misconduct, sexual harassment, or inappropriate sexual behaviour;
(b) Racist behaviour;
(c) Any safeguarding concern;
(d) Equality breaches;
(e) Violence;
(f) Dishonesty; and
(g) Erratic, or dangerous driving.

Operators must also provide complainants who are dissatisfied with the outcome of their investigation, or response into their complaint with contact details for the Council's Licensing Section.

17. Material Change :

A private hire operator's licence is not transferable. Operators must notify any proposed changes to the person(s) authorised to operate under the terms of the licence to the Council immediately in writing.

18. Renewal of a Private Hire Operator's Licence :

Existing operators must submit their application to renew their licence before their existing licence expires. Renewal applications should be submitted in good time before an existing licence expires. It is recommended that this is done at least two weeks prior to the expiry of their current licence. By doing so this will enable the Council to undertake the necessary checks to determine whether it is appropriate for the operator's licence to be renewed, ie. for a decision to be made on whether they remain a "*fit and proper person*" to continue to hold their respective licence.

Operators are advised to make a record of the date their licence is due to expire. If a further licence is sought, they should diarise when they need to submit a renewal application.

An operator of private hire vehicles is not permitted to operate private hire vehicles if their licence has expired, and a new licence has not been issued.

G. Enforcement, Discipline and Offences :

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13. Town Police Clauses Act 1847 (The 1847 Act)
14. Local Government (Miscellaneous Provisions) Act 1976
15. Road Traffic Act 1988 S.143 - Using a Vehicle Without a Licence
16. Criminal Justice and Public Order Act 1994 S. 167 – Touting for Hire
17. Hackney Carriage Byelaws
18. Equality Act 2010
19. Complaints Procedure

Appendices

Appendix 6 Driver Improvement Scheme

1. Council Officers and the Licensing and Regulatory Committee :

Whilst the operation of a successful hackney carriage and private hire vehicle service is important to the economic well-being of the City of Sunderland, it is equally important that the service provided by the trade is properly regulated to instil confidence in the travelling public who wish to use the service.

Enforcement of hackney carriage and private hire matters is undertaken by the Council. The Police may also take action in certain circumstances.

Officers of the Council are authorised by the Council to undertake enforcement work. The Executive Director of City Development authorises such Officers. In undertaking such work Officers comply with the Council's Enforcement Policy Statement. Enforcement work includes routine checks and inspections, investigating complaints made about drivers, vehicles and operators in addition to matters observed by Officers, such as vehicle defects. The Council can consider circumstances of concern even though a conviction has not been obtained or the conduct does not amount to a criminal offence.

Where the need arises, the Council will jointly authorise Officers from other local authorities so that compliance and enforcement action can be taken against licensees from outside their area.

The Council may take appropriate disciplinary action against licensees in accordance with this Policy Document.

The Council's Licensing and Regulatory Committee may also determine the appropriate disciplinary action, (if any), to take against licensees referred to it.

2. Enforcement and Disciplinary Options :

There are various enforcement and disciplinary options that could be taken depending upon the circumstances, including, :-

(a) No action taken;
(b) Referral to the Driver Improvement Scheme;
(c) Suspend a licence, with immediate effect, or otherwise;
(d) Revoke a licence, with immediate effect, or otherwise;
(e) Refuse to renew a licence;
(f) Use statutory and other notices / requests;
(g) Use formal cautions;
(h) Commence a criminal prosecution;
(i) Issue warnings, or guidance, plus remind of expected behaviours and standards of conduct; and
(j) Obtain an injunction.

The Executive Director of City Development, (or nominated representative), may under delegated powers, suspend or revoke the licence of a hackney carriage or private hire licence holder where the driver:

(a) fails to comply with Group II requirements as defined in the DVLA Current Medical Standards of Fitness to Drive.
(b) is arrested, charged or accused of an offence involving serious violence, stalking, supply of a controlled substance, rape, sexual assault or inappropriate conduct with a minor or vulnerable person; *
(c) Since the grant of the licence been convicted of an immigration offence or
(d) required to pay an immigration penalty.

*In most cases the support from the Council's Local Authority Designated Officer (LADO) will be sought in making a decision to suspend a driver's licence.

Where possible the Principal Licensing Officer will liaise with the chair of the Licensing and Regulatory Committee prior to making a decision to suspend or revoke a driver's licence. If this is not possible the chair will be informed at the earliest opportunity.

Where a driver's licence may be suspended or revoked by the Executive Director of City Development, the driver may appeal to the Magistrates Court within 21 days of the decision.

If the Executive Director of City Development considers it necessary, in the interests of public safety, to suspend or revoke the licence of a hackney carriage or private hire driver with immediate effect under the provisions of Section 61 2B of the 1976 Act, the driver will not be authorised to continue driving pending the outcome of an appeal.

An Authorised Council Officer can suspend a vehicle licence where the vehicle, :-

(a) Fails to pass its biannual vehicle test for serious defects;
(b) Has sustained accident damage which may materially affect the safety, performance, or appearance of the vehicle, or the comfort, or convenience of passengers;
(c) Does not have current appropriate insurance which covers the vehicle and driver for the purpose to which the vehicle is to be used;
(d) Does not have a current MOT, or Vehicle Excise Duty;
(e) Driver is not licensed to drive the vehicle, or their licence to drive such a vehicle is suspended, or revoked, unless there is an alternative driver who has appropriate insurance cover to drive the vehicle; or
(f) Fails to attend a pre-arranged vehicle test, or where the test is cancelled with two working days' notice.

If a vehicle has been suspended in accordance with Section 68 of the 1976 Act (fitness of vehicle or taximeter) the vehicle proprietor does not have the right to appeal this decision to the Magistrates Courts unless the licence is automatically revoked after a 2-month period. If a vehicle is suspended under Section 60 of the 1976 Act (fitness/offences/reasonable cause) the vehicle proprietor shall have the right to appeal any such suspension at the Magistrates Court.

An Authorised Council Officer will not renew the vehicle licence where the vehicle has attained the age of 8 years (ten years for purpose-built vehicles)

3. Informal Action :

Informal action may be used to secure compliance with legislation and the Policy Document, including offering advice, verbal and written warnings and requests for action.

Informal action may be appropriate where, :-

(a) The act, or omission is not serious enough to warrant more formal action;
(b) From the individual licensee's history, it can be reasonably expected that informal action will achieve compliance; or
(c) The consequences of non-compliance will not pose a significant risk to the safety of the public.

Even where the above criteria are not met, there may be circumstances in which informal action will be more effective than formal action. However, repeated incidents of licence infringements and complaints will lead to action being taken against the licensee, or the case being referred to the Licensing and Regulatory Committee.

4. Suspension, Revocation or Refusal to Renew a Licence :

5. Driver's Licences – Section 61 :

The Council may suspend or revoke or refuse to renew a driver licence (private hire or hackney carriage) on any of the following grounds:
(a) that since the grant of the licence the licensee has been convicted of an offence involving dishonesty, indecency or violence; or
(b) that since the grant of the licence the licensee has been convicted of an offence under or has failed to comply with Town Police Clauses Act 1847 or Part II of the 1976 Act.
(c) Since the grant of the licence has been convicted of an immigration offence or required to pay an immigration penalty; or
(d) any other reasonable cause.

In addition, the following revisions to Section 61 were introduced under Section 52 of The Road Safety Act 2006:
(a) (2A) Subject to subsection (2B) of this section, a suspension or revocation of the licence of a driver under this section takes effect at the end of the period of 21 days beginning with the day on which the notice is given to the driver under subsection (2)(a) of this section.
(b) (2B) If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver under subsection (2) (a) of this section includes a statement that that is so, and an explanation why, the suspension or revocation takes effect when the notice is given to the driver.

Where the Council suspends, revokes or refuses to renew a driver licence under s.61 LG (MP) Act 1976 it shall give the driver written notice of the grounds for the decision within fourteen days. The driver must return to the Council the Driver badge.

The driver may appeal to a Magistrates' Court. Any appeal must be lodged within 21 days of notification of the decision. Except in the case of a Road Safety Act suspension the driver badge may be retained once an appeal is lodged at the Magistrates Courts.

6. Immediate Suspension or Revocation of a Licence to Drive Private Hire or Hackney Carriage Vehicles :

1. There may be circumstances where it is necessary for the Council to consider the immediate suspension, or revocation of a driver's licence. This typically occurs when the Council has received information from a Police Force, (such as Northumbria Police, or Durham Constabulary), regarding an individual who has been arrested on suspicion of having committed a specific criminal offence. Following their arrest, the Police have learned they are a licensed driver and that the Council is their respective Licensing Authority.

2. Information is shared with the Council by the Police under the Common Law Police Disclosure process. This process ensures that where there is a public protection risk the Police share information with the employer, or regulatory body of the arrested person to allow them to act in a timely fashion to mitigate any danger. Here, information is shared with the Council in its capacity as a Licensing Authority. If a safeguarding issue arises, then the information may be received by the Council's Designated Officer first and it is then shared with the Licensing Section.

3. Alternatively, information could be brought to the attention of the Council direct by a passenger, or from a licensed driver themself. A Licensing Officer could initially discover information from a press article.

4. The key point is that the information that is brought the attention of the Council that requires an immediate response, ie. an immediate decision is required to be made about whether a licensed driver remains a "*fit and proper person*" to retain their licence and, if not, whether their licence should be suspended, or revoked with immediate effect.

5. If a decision is taken to suspend or revoke a licence under Section 61 of the 1976 Act, then unless Section 61(2B) applies, that decision does not take effect until the end of the period of 21 days beginning on the day on which the decision notice, (ie. letter), was served on the licensed driver. If the licensed driver submits an Appeal to the Magistrates' Court during this 21-day period they can continue driving pending the outcome of their Appeal. The same applies to any subsequent Appeal to the Crown Court.

6. Under Section 61(2B) of the Act if it is considered to be in the interests of public safety a licence can be suspended or revoked with immediate effect. Section 61 (2B) provides as follows: "*If it appears that the interests of public safety require suspension or revocation of the licence to have immediate effect, and the notice given to the driver under subsection (2)(a) of this section includes a statement that that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver*". If an immediate decision is taken to

suspend, or revoke, then the licensed driver is immediately prevented from driving under their licence once the decision notice has been served on them. They still have the right of Appeal to the Magistrates' Court, but they are unable to continue to drive pending the outcome of any Appeal.

7. Whilst the Licensing and Regulatory Committee does have the power to immediately suspend or revoke a licence as part of their consideration of cases, in practice such decisions are normally taken by the Executive Director of City Development pursuant to the Scheme of Delegation and Appointment of Proper Officers. The Executive Director is authorised to take such decisions because a decision needs to be made urgently and the decision cannot wait for a Committee Meeting to be reconvened.

8. When the Executive Director is asked to consider whether, or not to suspend, or revoke a driver's licence with immediate effect the following procedure is applied, namely, : -

   a) The Principal Licensing Officer, (or their nominated representative), will investigate the information that has been brought to the attention of the Council;
   b) As appropriate, contact is made with the party that has provided the information in question. The purpose of this is to obtain any further relevant information;
   c) If information has been provided by the Police, contact is made with the Police to obtain further information and to confirm what information can be shared with the Licensed Driver. It is imperative that the Police is content with what information is proposed to be shared. The Council does not want to prejudice any ongoing Police investigation, especially if a Licensed Driver has been released under investigation. The views of the Police are also sought on whether they are content for the licensed driver to be spoken with about the information brought to the Council's attention;
   d) If the Police are content for the licensed driver to be spoken with, they are contacted about the information and are given the opportunity to respond to the information. If the Police do not want the licensed driver contacted, this is respected. In the majority of cases the Police are content for the licensed driver to be contacted;
   e) The Chair of the Licensing and Regulatory Committee is consulted about the case. They are advised about what information has been received and the proposed response. The Chair's role is one of consultation, as opposed to them making a decision on the case;
   f) A Report is then prepared by the Principal Licensing Officer which sets out the factual background as is known, the nature of the information / the allegations that have been received, the comments, (if any), that have been received from the licensed driver and a recommendation is made as to whether they remain a "*fit and proper person*" to hold their licence and, if not, whether their licence should be immediately revoked. The relevant ground under which "fitness issues" arise are explained. A recommendation is also made as to whether it is in the interests of public safety that the license be immediately suspended or revoked;

g) The Report is then presented to the Executive Director of City Development, who then makes a decision on the case. The usual considerations are applied in deciding whether the licensed driver remains a "*fit and proper person*" to hold their licence. Based upon the evidence available at that point in time, a decision is made as to whether it is in the interests of public safety that their licence is suspended, or revoked with immediate effect;
h) For a decision to be "taken immediately" there should be a connection between the allegations, (or the facts that are known to exist), and the safety of the travelling public that justifies the additional step of immediate suspension, or revocation, mindful of the fact that this will have the consequence of depriving the licensed driver the opportunity to earn an income from being a licensed driver pending the outcome of any submitted Appeal;
i) If a decision is taken by the Executive Director to immediately suspend, or revoke a licence a decision notice, (ie. letter), is prepared which is served on the licensed driver. This sets out : the decision that has been made; the reasons for the decision; the right of appeal against the decision; the requirement to cease driving, plus the need for the driver to return their licence and identification badge to a nominated person within the Council; and information about their name being entered on the National Register of Refusals and Revocations, (NR3), and the Regional Register of Revocations, Refusals and Suspensions, as appropriate; and
j) If the decision is taken by the Licensing and Regulatory Committee a similar decision notice is prepared.

9. Although the below list is non-exhaustive, the following examples are given of circumstances where the immediate suspension, or revocation of a licensed driver's licence may be deemed to be appropriate, ie. reasonable and proportionate, :-

a) Allegations of violence by a licensed driver against a passenger, or a prospective passenger;
b) Allegations of indecency by a licensed driver, including sexual assault and rape against a passenger, or a prospective passenger;
c) Allegations of sexual activity between a licensed driver and a passenger and that sexual activity has taken place within, or outside of their licensed vehicle;
d) Allegations that a licensed driver has been involved with the distribution of indecent images of children;
e) Allegations that a licensed driver has committed historic sexual offences against children;
f) Allegations that a licensed driver was unfit to drive as a result of being under the influence of drugs, or alcohol. There may be aggravating factors that need to be considered, such as allegations that the licensed driver was also involved in a road traffic accident, and they were unable to provide a specimen of breath upon their arrest;
g) Allegations that a licensed driver would not meet the DVLA Group II Standards of fitness to drive due to a medical condition;
h) Allegations of dishonesty relating to the use of a licensed vehicle, such as : attempting to pervert the course of justice in relation to a road traffic accident;

fraudulent use of tax, or insurance documentation; knowingly driving / plying for hire an uninsured vehicle to convey members of the travelling public; and

i) Allegations of dangerous driving, or driving without due care and attention thereby endangering the safety of passengers and other road users.

7. Suspension of Vehicle Licence - Section 68 Notices :

An Authorised Council Officer, or Police Officer has the power at all reasonable times to inspect and test any hackney carriage, or private hire vehicle, (or taximeter affixed to such a vehicle), licensed by the Council to ascertain its fitness. If they are not satisfied as to the fitness of the vehicle, or the accuracy of the taximeter, they may by a written notice require the proprietor to make the vehicle, or taximeter available for further inspection and testing at a reasonable time and place specified in the notice. Vehicles which are not presented for pre-arranged tests. or have such tests cancelled cannot satisfy the Officer that the vehicle is fit for use and will therefore be suspended.

The officer may suspend the vehicle licence until such time as they are satisfied as to fitness / accuracy : Section 68 of the 1976 Act). Suspension takes immediate effect. There is no right of appeal against such a suspension.

If after two months from the issue of the suspension notice, the officer is not satisfied of the fitness / accuracy of the vehicle, the vehicle licence will be revoked in accordance with the legislation. The proprietor will be given written notice of the revocation. Such matters therefore do not need to be referred to the Licensing and Regulatory Committee. There is a right of appeal against the revocation of the licence and any appeal must be lodged within 21 days of notification of the decision.

8. Suspension of Vehicle Licence - Section 60 Notices :

The Council may suspend, revoke, or refuse to renew a vehicle licence, (ie. private hire, or hackney carriage), on any of the following grounds, :-

(a) The vehicle is unfit for use;
(b) The operator, or driver has committed any offence under, or has not complied with the Town Police Clauses Act 1847, or Part II of the 1976 Act; or
(c) Any other reasonable cause. Among other things, “any reasonable cause” includes non-production of evidence of insurance.

Where the Council suspends, revokes or refuses to renew a vehicle licence under Section 60 written notice will be given to the proprietor of the grounds for the decision within fourteen days. The proprietor may appeal to a Magistrates’ Court. Any appeal must be lodged within 21 days of notification of the decision.

9. Operators’ Licences - Section 62 :

The Council may suspend, revoke, or refuse to renew an operator’s licence on any of the following grounds, :-

(a) Any offence under, or non-compliance with Part II of the 1976 Act;

(b) Any conduct on the part of the operator which appears to render them unfit to hold an operator's licence;
(c) Any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted; or
(d) Any other reasonable cause.

Where the Council suspends, revokes, or refuses to renew an operator licence under section 62 of the Act, the Council will give the operator written notice of the grounds for the decision within 14 days. The operator may appeal to the Magistrates' Court. Any appeal must be lodged within 21 days of the decision.

Stay of Action Pending Outcome of Court Appeal

Section 77 (2) of the 1976 Act stays any action against a licence pending the outcome of a Court appeal. This means that if a driver, operator, or proprietor appeals against a decision to refuse to renew, suspend or revoke their licence, the licence is deemed to remain in force until the appeal has been determined, although this does not apply in relation to immediate suspensions and revocations covered by Section 61(2B) of the 1976 Act.

The licensee has 21 days from notification of the decision to lodge an appeal with the Court. The licensee can continue to use the licence during that period and once an appeal is lodged, they can continue to operate under the licence until the appeal has been dealt with or withdrawn.

If the Magistrates' Courts dismiss the appeal the licensee has 21 days within which to lodge an appeal to the Crown Court. Again, they can continue to use their licence until the appeal is determined or is withdrawn.

Where a licensee's Court appeal is unsuccessful the Court may order them to pay the Council's costs. Where an appeal is successful, but the Council has acted in good faith, costs may not be ordered against the Council.

The 21-day period in which to appeal is rigid and appeals cannot be made after this time : **Stockton Borough Council -v- Latif [2009]**.

10. Requests for Insurance :

The Council may request the production of a valid insurance document at any time.

If a valid insurance is not produced, a licensed vehicle licence will be suspended, and the proprietor may be prosecuted : Section 50 of the 1976 Act. In addition, anyone driving an uninsured vehicle may be prosecuted : Section 143 of the Road Traffic Act 1988.

11. Cautions :

A caution may be used as an alternative to a prosecution in appropriate circumstances, where the criteria for prosecution are satisfied but an offence is of a

less serious nature. The Council will have regard to Home Office Guidance and other relevant guidance. It is necessary for the offence to be admitted prior acceptance of a caution. If a caution is not accepted the matter will be referred for legal proceedings. It is unlikely that more than one caution will be issued, (regardless of the type of offence), and repeat offences will lead to prosecution.

A caution may be used to, :-

(a) Deal quickly and simply with less serious offences;
(b) Divert less serious offences away from the Court arena; and
(c) Reduce the chances of repeat offences.

12. Prosecution :

In certain cases, the Council will prosecute offenders. In all cases the evidential and public interest test contained within the Code for Crown Prosecutors must be satisfied. The Council will seek to prosecute for a range of offences, including overcharging of members of the public, acting as and / or using unlicensed drivers and vehicles, failing to engage taximeter, driving without insurance, or invalidating insurance, such as illegal plying for hire. Breaches of the licensing legislation may also lead to prosecution.

In addition to prosecution, the licensee may be referred to the Licensing and Regulatory Committee for consideration of further disciplinary action.

13. Town Police Clauses Act 1847 (“the 1847 Act”)

The following offences under the 1847 Act relate to hackney carriages, :-

Section	Offence	Maximum Penalty
40	Giving false information on application for HC(V) proprietor's licence	Level 1
44	Failure to notify change of address of HC(V) proprietor	Level 1
45	Plying for hire without HC(V) proprietors' licence	Level 4
47	Driving a HC(V) without HC drivers' licence.	Level 3
47	Lending or parting with HC drivers' licence	Level 3
47	HC(V) proprietor employing unlicensed driver	Level 3
48	Failure of HC(V) proprietor to hold HC drivers' licence	Level 1
48	Failure of HC(V) proprietor to produce HC drivers' licence	Level 1
52	Failure to display HC(V) plate	Level 1
53	Refusal to take a fare	Level 1
54	Charging more than the agreed fare	Level 1
55	Obtaining more than the legal fare	Level 3*
56	Travelling less than the lawful distance for the agreed fare	Level 1
57	Failing to wait after a deposit to wait has been paid	Level 1
58	Charging more than the legal fare	Level 3
59	Carrying another person than the hirer without consent	Level 1
60	Driving HC(V) without proprietor's consent	Level 1
60	Allowing another to drive HC(V) without proprietors' consent	Level 1
61	Drunken driving of HC(V)	Level 1

61	Wanton / furious driving / wilful misconduct causing injury / danger	Level 1
62	Driver leaving HC(V) unattended	Level 1
64	HC driver obstructing other HC(V)'s	Level 1

*This incurs a level 3 penalty and 1 months' imprisonment until the excess is refunded.

14. Local Government (Miscellaneous Provisions) Act 1976

The following offences under 1976 Act relate to hackney carriages and private hire vehicles, proprietors, drivers and operators, :-

Section	Offence	Maximum Penalty
49	Failure to notify transfer of HC(V) proprietors' licence	Level 3
50(1)	Failure to present HC(V) for inspection as required	Level 3
50(2)	Failure to inform local authority where HC(V) is stored if requested	Level 3
50(3)	Failure to report an accident to local authority	Level 3
50(4)	Failure to produce HC(V) proprietors' licence and insurance certificate	Level 3
53(3)	Failure to produce HC driver's licence	Level 3
57	Making false statement or withholding information to obtain HC driver's licence	Level 3
58(2)	Failure to return a plate after expiry of notice, revocation or suspension of HC(V) proprietor's licence	Level 3
61(2)	Failure to surrender driver's licence after suspension, revocation or refusal to renew	Level 3
64	Permitting any vehicle other than HC(V) to wait on HC stand	Level 3
66	Charging more than the meter fare for a journey ending outside the district without prior agreement	Level 3
67	Charging more than the meter fare when HC(V) used as private hire vehicle	Level 3
69	Unnecessarily prolonging a journey	Level 3
71	Interfering with a taximeter	Level 3
73(1)(a)	Obstruction of an authorised officer or constable	Level 3
73(1)(b)	Failure to comply with requirements of authorised officer or constable	Level 3
73(1)(c)	Failure to give information or assistance to authorised officer or constable	Level 3

15. Road Traffic Act 1988 S.143 – Using a Vehicle without Insurance

Drivers may be prosecuted by the Council, or the Police in relation to driving without insurance. As well as a financial penalty their DVLA Driver’s Licence must be endorsed with between 6-8 penalty points and the Court has discretion to disqualify the driver. The Court will consider any aggravating and mitigating factors when sentencing. If the vehicle concerned is a hackney carriage or private hire vehicle this will be an aggravating (ie., more serious) factor.

16. Criminal Justice and Public Order Act 1994 S.167 – Touting for Hire

It is an offence in a public place, to solicit persons to hire vehicles to carry them as

passengers.

Health Act 2006, S.7 – Smoking in vehicle and S.8 – Failing to Prevent Smoking in a Vehicle.

17. Hackney Carriage Byelaws

Prosecutions may be brought by the Council against hackney carriage proprietors and drivers for breach of the Council's Byelaws.

18. Equality Act 2010

Section 168 – Assistance dogs in taxis
This section imposes duties on the driver of a taxi which has been hired by or for a disabled person who is accompanied by an assistance dog, or by another person who wishes to be accompanied by a disabled person with an assistance dog.
The driver must-

(a) Carry the disabled person's dog and allow it to remain with that person.
(b) Not make any additional charge for doing so.

Section 170 - Assistance dogs in private hire vehicles

The operator of a private hire vehicle commits an offence by failing or refusing to accept a booking for the vehicle if the booking is requested by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person, and the reason for the failure or refusal is that the disabled person will be accompanied by an assistance dog.

The operator commits an offence by making an additional charge.

The driver of a private hire vehicle commits an offence by failing or refusing to carry out a booking accepted by the operator:

(a) If the booking is made by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person, and
(b) The reason for the failure or refusal is that the disabled person is accompanied by an assistance dog.

Complaints Procedure :

The Council is proud of the professional private hire and hackney carriage trade that operates within the City of Sunderland which it regulates and licences. The Council expects the trade to uphold high standards at all times. However, it is recognised that there may be occasions when transport users, the general public and other members of the trade may make complaints. This requires a complaints procedure. Complaints can be made via the following part of the Council's website : https://sunderland.gov.uk/article/17749/Taxi-Licensing-Report-a-concern

All complaints that are received by the Licensing Section will be investigated. Complainants will receive acknowledgement of their complaint within five working

days, advising them of the name of the Officer assigned to investigate their submitted complaint.

Complainants may be asked to put their complaint in writing, or to provide a witness statement if the complaint is such that formal action may result. A complainant could be asked to attend a Meeting of the Licensing and Regulatory Committee in order to explain their concerns to the Committee, ie. when the Committee is considering the alleged conduct of the licensee and what, if any, action should be taken in respect of them.

The Council recognises that some complaints can be frivolous, or vexatious. Such complaints will not be taken further.

Licensees are expected to assist Licensing Officers in their investigations and make themselves available for interview.

At the end of the investigation all parties concerned will receive written confirmation of the result and action to be taken. If the complainant is not satisfied as to the outcome of their complaint, the Council has a corporate complaints procedure in place to deal with these issues. This can be located at : https://www.sunderland.gov.uk/media/20724/Corporate-Complaints-procedure/pdf/CorporateComplaintsProcedure.pdf?m=637147194914970000

Appendices :

Appendix 1 :

Intended list of Consultees to include the following;

All holders of hackney carriage and private hire licences
Northumbria Police Constabulary
Tyne and Wear Fire and Rescue Service
Royal National Institute for the Blind
Disability Support Group North East
Sunderland Council - Adult Social Care
Sunderland Council - Highways
Sunderland Council - Environmental Health
Sunderland Council - Trading Standards
Sunderland Council - Planning
Sunderland Council - Public Health
Sunderland Council - Partnership Manager
Sunderland Safeguarding Children Partnership
Together for Children Sunderland
Transport North East
Nexus Tyne and Wear Metro
Stagecoach North East
South Tyneside and Sunderland NHS Foundation Trust
NHS Sunderland Clinical Commissioning Group
University of Sunderland
Sunderland College
Gentoo
Job Centre Plus
Sunderland Association Football Club
Hetton Town Council
Citizens Advice Bureau (CAB)
HM Revenue and Customs
Immigration Enforcement
North East Strategic Licensing Group (NESLG)

Appendix 2 :

Convictions Policy and Assessment of Previous Convictions

1. The purpose of this document is to set out the Council's Convictions Policy and Assessment of Previous Convictions, ("the Convictions Document"), which is applied by Officers, or the Licensing and Regulatory Committee, (collectively referred to as "the Council"), when considering applications by applicants to be granted licences to drive hackney carriage and / or private hire vehicles. The following provisions are in issue under the Local Government (Miscellaneous Provisions) Act 1976, ("the Act"), :-

   (a) Sections 51 of the Act as to the licensing of drivers of private hire vehicles; and
   (b) Section 59 of the Act as to the licensing of drivers of hackney carriage vehicles.

   Under both Sections the issue is whether the Council is satisfied whether the Applicant is a "*fit and proper person*" to hold the licence(s) sought. In both instances, the key issue is that the Council cannot issue a licence unless it is "*satisfied that the applicant is a fit and proper person to hold a driver's licence*". At **Paragraph D1** of the Council's Statement of Private Hire and Hackney Carriage Licensing Policy, ("the Policy"), the issue of "*fit and proper person*" is set out;

2. This Convictions Document is also to be applied when considering whether an existing licensed driver remains a "*fit and proper person*" to continue to hold their respective licence(s). Such issues arise under Section 61 of the Act in the context of deciding whether to renew existing licences, or whether existing licences should be suspended, or revoked. This links in with Paragraph 1 above. These types of cases are mainly, although not exclusively, dealt with by the Licensing and Regulatory Committee.

3. The following key points are raised about this Convictions Document, :-

(a) Each case is considered on an individual basis, based upon the case facts. It sets out guidelines to be followed. If exceptional guidelines apply, it is possible to depart from the guidelines. Where this is done, reasons for the departure should be set out;
(b) Section 61(1)(a)(i) of the Act specifically identifies offences involving dishonesty, indecency and violence as being of a concern when assessing whether a licensed driver remains a "*fit and proper person*". The drafting of Section 61(1)(a)(i) shows that Parliament regarded dishonesty, indecency and violence on the part of licensed drivers as being significant offences that impact upon their fitness, or suitability to remain licensed drivers. These offences have been singled out as being of particular concern by Parliament to protect members of the public who may use licensed vehicles;
(c) When considering a person's criminal record the Council must consider each case on its own merits. Applicants and existing license holders are entitled to a fair and impartial consideration of their case;

(d) Where a period of time is stated below, they are a minimum period in considering whether a licence should be granted, renewed, or whether a licence should be suspended or revoked. Setting out minimum periods prioritises passenger and public safety, whilst still enabling past offences to be sufficiently evidenced and to allow for rehabilitation, so that an applicant may obtain a licence, or an existing licensed driver can retain their licence;

(e) When the Council is considering offences against individuals with special needs, children and other vulnerable groups, (particularly those involving violence, those of a sexual nature and those linked with organised crime), a cautious view should be taken of such offences;

(f) In accordance with **Nottingham County Council -v- Farooq [1998]** the Council should not go behind a conviction to "re-try", or review the merits of the conviction;

(g) When cases are considered, it is important to consider the individual circumstances of each case, including : the number, nature and seriousness of the offences in issue; aggravating and mitigating factors; whether an applicant, or existing licensee has previously appeared before the former Regulatory Committee and / or the Licensing and Regulatory Committee; an applicant, or existing licensee's demeanour, attitude and level of co-operation when discussing their case with Officers from the Licensing Section; and the reporting requirements that apply;

(h) A caution, (also referred to as a simple caution, a formal caution, or a Police caution), and endorsable fixed penalties are treated as though they are convictions. A caution is a formal warning that may be given to persons aged 18 years, or over who admit to committing a criminal offence. Cautions are designed to provide a means of dealing with offending without a prosecution when there is evidence of an offence having been committed. For the avoidance of any doubt, the acceptance of a caution legally constitutes admission of guilt of a criminal offence. But the public interest does not require a prosecution. A conditional caution carries a condition(s) that the recipient of the caution must comply with. The aim of the condition(s) is the rehabilitation of the offender and that they make reparation for the offence;

(i) If an applicant, or an existing licensee has been convicted of more than one offence arising from a single incident, the convictions will generally be treated as one conviction for the purposes of this Convictions Document. In such circumstances, the period which a person would normally be expected to show free of any criminal conviction will be the longest applicable period calculated by reference to each offence;

(j) Multiple criminal offences, or a series of offences over a period of time may cause greater cause for concern and may demonstrate a pattern of inappropriate behaviour;

(k) Where a custodial sentence has been served, the number of years since release and the period for which they have been free of conviction will be considered when determining fitness, ie. the time spent in custody will be discounted from the "conviction free period";

(l) Due regard will be given to a pattern of offending behaviour that is shown via an applicant's, or an existing licensee's past convictions, or cautions;

(m) The aim of the Convictions Document is not to punish an applicant, or existing licensee twice for a conviction, or caution. It is to ensure that only "*fit and proper persons*" are licensed; and

(n) The Convictions Document does not deal with each and every type of offence. Offences that are described in this document and similar offences will be taken into account in accordance with the Convictions Document.

Criminal Offences Resulting in Death, or Serious Injury :

1. Where an applicant, or an existing licensee has been convicted of a crime which resulted in the death of another person, or was intended to cause the death, or serious injury to another person, the starting point is that an applicant will not be licensed by the Council. An existing licensed driver is likely to have any licence revoked.

2. Should exceptional circumstances apply, the Council may consider granting a licence. What constitutes exceptional circumstances will be considered on a case-by-case basis. However, as a minimum the applicant must have demonstrated a period of 10 years free of any criminal conviction at the date of submission of their application and there must be evidence of how the applicant's potential risk to the public has significantly reduced.

Exploitation :

1. Where an applicant has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use, or treatment of another individual irrespective of whether the victim, or victims were adults, or children, they will not be licensed by the Council. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional, or financial abuse, although this list is not exhaustive.

2. As to an existing licensee, depending upon the circumstances of the case they are likely to have any licence revoked.

Offences Involving Violence Against the Person :

1. Licensed drivers will occasionally encounter passengers who demonstrate challenging behaviours. The Council expects licensed drivers to behave in a calm manner at all times, including when dealing with challenging passengers. The Council must be satisfied that licensed drivers will not engage in any conduct that threatens or puts the personal safety of passengers and members of the public at risk. In particular, they must not take advantage of passengers, including children and vulnerable adults.

2. Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

3. As to an existing licensee, depending upon the circumstances of the case, they are likely to have any Licence suspended, or revoked.

Possession of a Weapon :

1. Where an applicant has a conviction for possession of a weapon, or any other weapon related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

2. As to an existing licensee, depending upon the circumstances of the case, they are likely to have any licence suspended, or revoked.

Sexual Offences :

1. When undertaking driving duties licensed drivers are frequently entrusted with the care of children and young people. They also transport adult passengers who are vulnerable for one, or more reasons. It may be possible for an unscrupulous licensed driver to take advantage of such persons. Licensed drivers must not engage in any dialogue, conversation, or activities of a sexual nature, whether initiated by the licensed driver, or not with a passenger whilst acting as a driver of a vehicle licensed by the Council;

2. A child is defined as a person who has not yet attained 18 years of age. A vulnerable adult is defined using the definition set out in Section 42 of the Care Act 2014, which applies where a council has reasonable cause to suspect that an adult in its area, (whether, or not ordinarily resident there), :-

(a) Has needs for care and support, (whether, or not the council is meeting any of those needs);
(b) Is experiencing, or is at risk of, abuse and neglect; and
(c) As a result of those needs is unable to protect themselves against the abuse, or neglect, or the risk of it.

3. There are many different types of criminal offences concerning sexual offences. Examples include : rape; indecent assault; soliciting; indecent exposure; and offences relating to indecent images of children.

4. Where an applicant has a conviction for any offence involving, or connected with illegal sexual activity, a licence will not be granted.

5. As to an existing licensee, depending upon the circumstances of the case, they are likely to have any licence revoked. In addition to the matters set out at Paragraphs 1 to 4 above, the Council will not grant a licence to anybody who is currently on the Sex Offenders Register, or who is currently on the Disclosure and Barring Service's Children's Barred List and Adults' Barred List.

Offences Involving Dishonesty :

1. There are many different types of criminal offences concerning dishonesty. Examples include : theft; fraud; benefit fraud; deception; tax evasion; the unauthorised taking of a vehicle; and conspiracy to pervert the course of justice. The Council expects licensed drivers to be honest. They hold a position of trust. A dishonest licensee could quite easily defraud a passenger,

such as by requesting more than the incorrect fare, or by intentionally taking a longer route than is required. They are also in a position of trust in relation to a passenger's possessions.

2. Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

3. As to an existing licensee, depending upon the circumstances of the case, they are likely to have any licence suspended, or revoked.

Drug Related Offences :

1. Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply, or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

2. As to an existing licensee, depending upon the circumstances of the case, (including whether any drugs were found in their respective licensed vehicle), they are likely to have any licence suspended or revoked.

3. Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed.

4. As to an existing licensee, depending upon the circumstances of the case, (including whether any drugs were found in their respective licensed vehicle), they are likely to have any licence suspended or revoked.

Drunkenness :

1. Provided at least one year has elapsed since the date of the imposed sentence, an isolated conviction for drunkenness will not in itself prevent a person from holding a licence.

2. More than one conviction for drunkenness could indicate a "drinking problem" that requires some form of medical examination and input. Depending on the case facts, it may not be appropriate for an existing licensee to remain licensed.

3. If a person has been identified as an alcoholic, they will be required to demonstrate evidence of five years free from alcohol problems following completion of a programme of detoxification treatment.

4. As to an existing licensee, depending upon the circumstances of the case, they are likely to have any licence suspended, or revoked.

Public Order and Criminal Damage Offences :

1. Where an applicant has a conviction for any public order offence, or an offence involving criminal damage a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

2. As to an existing licensee, depending upon the circumstances of the case, they are likely to have any licence suspended, or revoked.

Criminal Offences Concerning Discrimination :

1. Where an applicant has a conviction involving, or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

2. As to an existing licensee, depending upon the circumstances of the case, they are likely to have any licence suspended, or revoked.

Driving Offences :

1. Those licensees who drive hackney carriage and private hire vehicles are professional drivers. They are charged with the responsibility of carrying the public. Given that driving is of central importance to a licensed driver, (ie. it is the primary role that they perform), the requirement to be a "*safe driver with a good driving record*" forms part of the "*fit and proper person test*".

2. It is accepted that driving offences can be committed unintentionally. Given the increased time that licensed drivers spend driving there is an increased chance of them committing driving offences. However, this does not provide an acceptable excuse, or justification for any driving offences that may be committed.

3. A person who is convicted of, or who accepts a fixed penalty notice for a driving offence will have penalty points endorsed on their driving licence issued by the Driver and Vehicle Licensing Agency, (the "DVLA"). Points range from 1 to 11. The more serious offences carry a greater number of points.

4. The attached Schedule, ("Schedule of Relevant Driving Offences"), sets out relevant motoring offences, the relevant code, the corresponding points and how long codes remain on a driving licence. Information has been taken from the following website : https://www.gov.uk/penalty-points-endorsements/endorsement-codes-and-penalty-points

5. Depending upon the offence in issue, penalty points remain on a Driving Licence for either 4, or 11 years. Some offences could result in disqualification.

6. If a licensee acquires a total of 12 points in a three-year period they will be disqualified under the "totting-up procedure" under Section 35 of the Road Traffic Offenders Act 1988, unless they are able to satisfy the Magistrates'

Court, (or the Crown Court in the event of an Appeal), that their disqualification would cause "exceptional hardship".

7. For the avoidance of any doubt, the "exceptional hardship" provisions only have application to the Court when deciding whether, or not to disqualify. It is not a relevant consideration for the Council. "Exceptional hardship" is not referenced in legislation concerning licensed vehicles. The case of **Leeds City Council -v- Hussain [2002]** confirms that in respect of the relevance of a licensee's personal circumstances as to the issue of whether they are, or remain a "fit and proper person", this "*does not require any consideration of the personal circumstances which are irrelevant, except perhaps in very rare cases to explain or excuse some conduct of the driver*".

8. It is important to remember that the Magistrates' Court, (and the Crown Court when considering Appeals), exercise different functions to that of the Council, :-

(a) There are two separate legal regimes in operation;

(b) As to the Magistrates' Court, the Court exercises its respective powers under Section 35 of the Road Traffic Offenders Act 1988. The Court decides whether a disqualification from driving should be imposed as to their DVLA driver's licence. The Court does not decide whether the licensed driver is a "*fit and proper person*" to hold their respective licence that has been issued by the Council to drive a licensed vehicle. The Crown Court can consider Appeals concerning driving bans;

(c) As to the Council, it exercises its respective licensing and regulatory functions as a Licensing Authority under the Local Government (Miscellaneous Provisions) Act 1976; and

(d) The Magistrates' Court function and the regulatory role undertaken by the Council are separate and different regimes. They perform different functions;

9. A single occurrence of a Minor Driving Offence, (as defined in Paragraph 46 below), would not prohibit the granting of a licence to an applicant. However, where an applicant, or an existing licensed driver has multiple motoring convictions this may indicate that they do not exhibit the behaviours of a safe driver with a good driving record and somebody that is suitable to drive professionally.

10. Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally.

11. By reference to the Schedule the Council uses the following system for the classification of driving offences: -

Minor Driving Offences :

1. The following driving offences are regarded as being Minor Driving Offences under the Schedule, namely, :-

   (a) Miscellaneous offences;
   (b) Motorway offences;
   (c) Pedestrian crossing offences;
   (d) Speed limits offences which result in three penalty points only; and
   (e) Traffic direction and signs offences;

2. A single conviction for a Minor Driving Offence should not normally prevent the granting, or renewal of a licence, or should result in the suspension, or revocation of a licence, providing that the Council considers that the applicant is a "*fit and proper person*" to hold a licence and that the existing licensed driver remains a "*fit and proper person*" to retain their licence;

3. Where an applicant's DVLA Driving Licence is currently endorsed with two, or more Minor Driving Offences, depending upon the circumstances of the case, the Council would expect the applicant to demonstrate a period of six months free from conviction before granting them a licence;

4. Subject to the provisions of the Council's Driver Improvement Scheme, :-

   (a) Existing licensed drivers who accrue six penalty points for Minor Traffic Offences within a three-year period will be requested to undertake a driver improvement course. The driver will be required to meet the cost of attending the course. If the driver refuses to attend the course their case will be referred to the Licensing and Regulatory Committee for determination, with the Licensing and Regulatory Committee being asked to give consideration to the possible suspension, revocation, or refusal to renew their licence, as appropriate. For the avoidance of any doubt, the Committee could, if deemed appropriate, impose a period of suspension and direct that a driver who has refused to undertake a driver improvement course to undertake such a course at their own expense, with their suspension ending on the date that they successfully complete the course, as opposed to them serving the full period of suspension as originally imposed by the Committee;

   (b) Existing licensed drivers who accrue six penalty points for Minor Traffic Offences within a three-year period may have their case referred to the Licensing and Regulatory Committee for determination instead of being requested to undertake a driver improvement course if the Principal Licensing Officer believes there are aggravating factors to justify this, with the Committee being asked to give consideration to the possible suspension, revocation, or refusal to renew their licence, as appropriate. Depending on the circumstances of the case, they should have their licence suspended for a maximum period of six months or revoked. For the avoidance of any doubt, the Committee could, if deemed appropriate, impose a period of suspension and direct that a driver who falls under this provision to undertake a driver improvement course at their own expense, with their suspension ending on the date

that they successfully complete the course, as opposed to them serving the full period of suspension as originally imposed by the Committee; and

(c) Existing licensed drivers who accrue **more than** six penalty points for Minor Driving Offences within a three-year period will have their cases referred to the Licensing and Regulatory Committee for determination. Depending on the circumstances of the case, they should have their licence suspended for a maximum period of six months or revoked. For the avoidance of any doubt, the Committee could, if deemed appropriate, impose a period of suspension and direct that a driver who falls under this provision to undertake a driver improvement course at their own expense, with their suspension ending on the date that they successfully passed the course, as opposed to them serving the full period of suspension as originally imposed by the Committee.

Intermediate Driving Offences :

1. The following driving offences are regarded as being Intermediate Driving Offences under the Schedule, namely :-

   (a) Accident offences;
   (b) Disqualified driver offences, with the exception of those offences involving death, or serious injury;
   (c) Careless driving offences, ie. driving without due care and attention; driving without reasonable consideration for other road users; or driving without due care and attention, or without reasonable consideration for other road users
   (d) Insurance offences : using a vehicle uninsured against third party risks;
   (e) Licence offences : driving otherwise than in accordance with a licence; after making a false declaration about fitness; after failing to notify of a disability; and after licence revoked, or refused on medical grounds;
   (f) Failure to give information as to identify of a driver etc.;
   (g) Speed limits offences which result in four to six penalty points; and
   (h) Construction and use offences : defective brakes, tyres, or steering; dangerous load, parts, or accessories; breach of requirements as to control of a vehicle, mobile telephone etc;

2. Where an applicant's DVLA Driving Licence is currently endorsed with penalty points in respect of an Intermediate Driving Offence, but no disqualification from driving, depending upon the circumstances of the case, the Council would expect the applicant to demonstrate a period of one year free from conviction before granting a licence. More than one Intermediate Driving Offence could extend this period to three years depending upon the circumstances; and

3. Depending upon the circumstances of the case, an existing licensed driver whose DVLA Driving Licence is endorsed with penalty points in respect of an Intermediate Driving Offence, but no disqualification from driving, can expect

suspension for one year, or revocation of their licence, depending on the particular circumstances, including whether there is more than one conviction. For the avoidance of any doubt, the Committee could, if deemed appropriate, impose a period of suspension and direct that a driver who falls under this provision to undertake a driver improvement course at their own expense, with their suspension ending on the date that they successfully complete the course, as opposed to them serving the full period of suspension as originally imposed by the Committee.

Disqualifications from Driving :

1. Unless an applicant has been disqualified for any reason dealt with in the Paragraphs below, the Council would expect that person to demonstrate a period of three years from the date of conviction, or the date immediately following the end of the disqualification, whichever date is the longest; and

2. In the event that an existing licensed driver is disqualified from driving under their DVLA Driving Licence, or they are no longer authorised by virtue of Section 99A9(1), or Section 109(1) of the Road Traffic Act 1988 to drive a motor car in Great Britain, they are no longer able to hold their respective licence. This is because being qualified to drive is a pre-condition to holding a licence.

Drink Driving, or Drug Driving Offences :

1. Where an applicant has a conviction for drink driving, or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence, or driving ban imposed;

2. As to an existing licensee, reference is made to Paragraph 2 in “Disqualifications from Driving” above; and

3. In those cases where a person is granted a licence and there are historic concerns regarding drugs use, the licensee may be required to undergo drugs testing for a specified period of time at their own expense to demonstrate that they are not using drugs.

Reckless, Dangerous and Furious Driving Offences, or Offence of Racing on the Highway :

1. Where an applicant has a conviction for reckless, dangerous and furious driving offences, or motor racing on the highway, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence, or driving ban imposed; and

2. As to an existing licensee, reference is made to Paragraph 2 of “Disqualifications from Driving” above.

Careless and Dangerous Driving Offences Involving Serious Injury, or Death :

1. These provisions apply where an applicant, or an existing licensed driver have been convicted of the following driving offences: -

   (a) Causing death by careless driving when unfit through drugs;
   (b) Causing death by careless driving with alcohol level above the limit;
   (c) Causing death by careless driving then failing to supply a specimen for alcohol analysis; or
   (d) Causing death by careless, or inconsiderate driving;

2. Where an applicant has been convicted of such an offence, the starting point is that an applicant will not be licensed by the Council;

3. Should exceptional circumstances apply, the Council may consider granting a licence. What constitutes exceptional circumstances will be considered on a case-by-case basis. However, as a minimum the applicant must have demonstrated a period of 10 years free of any criminal conviction at the date of submission of their application and there must be evidence of how the applicant's potential risk to the public has significantly reduced; and

4. As to an existing licensee, reference is made to Paragraph 2 of "Disqualifications to Driving" above.

Using a Hand-held Device Whilst Driving :

1. Where an applicant has a conviction for using a held-hand mobile phone, or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction, or completion of any sentence, or any driving ban imposed, whichever is the later; and

2. Depending upon the circumstances of the case, an existing licensed driver whose DVLA Driving Licence is endorsed with penalty points in respect of using a held-hand mobile phone, or a hand-held device whilst driving, but no disqualification from driving, should have their licence suspended for a maximum of one year or revoked.

Schedule of Relevant Driving Offences

Accident Offences – Intermediate Driving Offence :

These codes must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
AC10	Failing to stop after an accident	5 to 10
AC20	Failing to give particulars or report an accident within 24 hours	5 to 10
AC30	Undefined accident offences	4 to 9

Disqualified Driver – Intermediate Driving Offences, or Offences Involving Death, or Serious Injury :

Codes BA10 and BA30 must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
BA10	Driving while disqualified by order of court	6
BA30	Attempting to drive while disqualified by order of court	6

Codes BA40 and BA60 must stay on a driving record for 4 years from the date of the conviction.

Code	Offence	Penalty points
BA40	Causing death by driving while disqualified	3 to 11
BA60	Causing serious injury by driving while disqualified	3 to 11

Careless Driving – Intermediate Driving Offence, or Offences Involving Death, or Serious Injury :

Codes CD10 to CD30 must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
CD10	Driving without due care and attention	3 to 9
CD20	Driving without reasonable consideration for other road users	3 to 9
CD30	Driving without due care and attention or without reasonable consideration for other road users	3 to 9

Codes CD40 to CD70 must stay on a driving record for 11 years from the date of the conviction.

Code	Offence	Penalty points
CD40	Causing death through careless driving when unfit through drink	3 to 11
CD50	Causing death by careless driving when unfit through drugs	3 to 11
CD60	Causing death by careless driving with alcohol level above the limit	3 to 11
CD70	Causing death by careless driving then failing to supply a specimen for alcohol analysis	3 to 11

Codes CD80 and CD90 must stay on a driving record for 4 years from the date of the conviction.

Code	Offence	Penalty points
CD80	Causing death by careless, or inconsiderate, driving	3 to 11
CD90	Causing death by driving: unlicensed, disqualified or uninsured drivers	3 to 11

Construction and Use Offences – Intermediate Driving Offence, Using a Hand-held Device Whilst Driving :

These codes must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
CU10	Using a vehicle with defective brakes	3
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition	3
CU30	Using a vehicle with defective tyre(s)	3
CU40	Using a vehicle with defective steering	3
CU50	Causing or likely to cause danger by reason of load or passengers	3
CU80	Breach of requirements as to control of the vehicle, such as using a mobile phone	3 to 6

Reckless / Dangerous Driving :

These codes must stay on a driving record for 4 years from the date of the conviction.

Code	Offence	Penalty points
DD10	Causing serious injury by dangerous driving	3 to 11
DD40	Dangerous driving	3 to 11
DD60	Manslaughter or culpable homicide while driving a vehicle	3 to 11
DD80	Causing death by dangerous driving	3 to 11
DD90	Furious driving	3 to 9

Drink :

Codes DR10 to DR61 must stay on a driving record for 11 years from the date of the conviction.

Code	Offence	Penalty points
DR10	Driving or attempting to drive with alcohol level above limit	3 to 11
DR20	Driving or attempting to drive while unfit through drink	3 to 11
DR30	Driving or attempting to drive then failing to supply a specimen for analysis	3 to 11
DR31	Driving or attempting to drive then refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity	3 to 11
DR61	Refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity in circumstances other than driving or attempting to drive	10

Codes DR40 to DR70 must stay on a driving record for 4 years from the date of the offence or 4 years from date of conviction where a disqualification is imposed.

Code	Offence	Penalty points
DR40	In charge of a vehicle while alcohol level above limit	10
DR50	In charge of a vehicle while unfit through drink	10
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive	10
DR70	Failing to co-operate with a preliminary test	4

Drugs :

These codes must stay on a driving record for 11 years from the date of the conviction.

Code	Offence	Penalty points
DG10	Driving or attempting to drive with drug level above the specified limit	3 to 11
DG60	Causing death by careless driving with drug level above the limit	3 to 11
DR80	Driving or attempting to drive when unfit through drugs	3 to 11

These codes must stay on a driving record for 4 years from the date of the offence or 4 years from date of conviction where a disqualification is imposed.

Code	Offence	Penalty points
DG40	In charge of a vehicle while drug level above specified limit	10
DR70	Failing to co-operate with a preliminary test	4
DR90	In charge of a vehicle when unfit through drugs	10

Insurance Offences – Intermediate Driving Offence :

Code IN10 must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
IN10	Using a vehicle uninsured against third party risks	6 to 8

Licence Offences – Intermediate Driving Offence :

These codes must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
LC20	Driving otherwise than in accordance with a licence	3 to 6
LC30	Driving after making a false declaration about fitness when applying for a licence	3 to 6
LC40	Driving a vehicle having failed to notify a disability	3 to 6
LC50	Driving after a licence has been cancelled (revoked) or refused on medical grounds	3 to 6

Miscellaneous Offences – Minor Driving Offence, or Intermediate Driving Offence:

These codes must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
MS10	Leaving a vehicle in a dangerous position	3
MS20	Unlawful pillion riding	3
MS30	Play street offences	2
MS50	Motor racing on the highway	3 to 11
MS60	Offences not covered by other codes (including offences relating to breach of requirements as to control of vehicle	3
MS70	Driving with uncorrected defective eyesight	3
MS80	Refusing to submit to an eyesight test	3
MS90	Failure to give information as to identity of driver etc	6

Motorway Offences – Minor Driving Offence :

Code MW10 must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
MW10	Contravention of special roads regulations (excluding speed limits)	3

Pedestrian Crossings – Minor Driving Offence :

These codes must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
PC10	Undefined contravention of pedestrian crossing regulations	3
PC20	Contravention of pedestrian crossing regulations with moving vehicle	3
PC30	Contravention of pedestrian crossing regulations with stationary vehicle	3

Speed Limits – Minor Driving Offence, or Intermediate Driving Offence:

These codes must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
SP10	Exceeding goods vehicle speed limits	3 to 6
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)	3 to 6
SP30	Exceeding statutory speed limit on a public road	3 to 6
SP40	Exceeding passenger vehicle speed limit	3 to 6
SP50	Exceeding speed limit on a motorway	3 to 6

Traffic Direction and Signs – Minor Driving Offence :

These codes must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
TS10	Failing to comply with traffic light signals	3
TS20	Failing to comply with double white lines	3
TS30	Failing to comply with ‘stop’ sign	3
TS40	Failing to comply with direction of a constable/warden	3
TS50	Failing to comply with traffic sign (excluding ‘stop’ signs, traffic lights or double white lines)	3
TS60	Failing to comply with a school crossing patrol sign	3
TS70	Undefined failure to comply with a traffic direction sign	3

Special Code :

Code TT99 must stay on a driving record for 4 years from the date of conviction.

It shows disqualification under ‘totting-up’ - if the total of penalty points reaches 12, or more within 3 years, the driver can be disqualified.

Theft, or Unauthorised Taking :

Code UT50 must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
UT50	Aggravated taking of a vehicle	3 to 11

“Mutual recognition” Codes :

An “MR” code is applied to a driving record if a driver is disqualified while driving in Northern Ireland, or the Isle of Man. The disqualification period is also valid in Great Britain and will stay on a driving record for 4 years from the date of conviction.

Code	Offence
MR09	Reckless or dangerous driving (whether or not resulting in death, injury or serious risk)
MR19	Wilful failure to carry out the obligation placed on driver after being involved in a road accident (hit or run)
MR29	Driving a vehicle while under the influence of alcohol or other substance affecting or diminishing the mental and physical abilities of a driver
MR39	Driving a vehicle faster than the permitted speed
MR49	Driving a vehicle whilst disqualified
MR59	Other conduct constituting an offence for which a driving disqualification has been imposed by the State of Offence

Aiding, Abetting, Counselling, or Procuring Offences :

For these offences, the codes are similar, but with the number 0 on the code changed to 2.

For example, code LC20, (driving otherwise than in accordance with a licence), becomes code LC22 on a driving record if a person has helped someone to do this.

Causing, or Permitting Offences :

For these offences, the codes are similar, but with the number 0 on the code changed to 4.

For example, LC20, (driving otherwise than in accordance with a licence), becomes LC24 on a licence if a person has caused, or permitted someone to do this.

Inciting Offences :

For these offences, the codes are similar, but with the number 0 on the code changed to 6.

For example, DD40, (dangerous driving), becomes DD46 on a driving record if a person has incited someone to do this.

Appendix 3 :

Conditions Attached to Licences to Drive Private Hire Vehicles

Preliminary :

These Conditions apply to all Licences that the Council has issued in respect of Licences to drive Private Hire Vehicles.

Conditions Applying to Licences to Drive Private Hire Vehicles :

1: Change of Home Address and Contact Details

a) All Licensed Drivers must notify the Council in writing of any change of their home address and their contact details during the period of the Licence within one calendar month of any such changes taking place;

b) Contact details includes their e-mail address and their telephone number, ie. landline and mobile; and

c) Changes in home address and contact details are required to be notified via the Council's web page using; https://www.sunderland.gov.uk/Taxi-Licensing-change-of-details

2: Conduct of Licensed Drivers

All Licensed Drivers are required to comply with the Council's Code of Conduct for Licensed Drivers, ("the Code").

3: Self-Reporting Obligations on the Part of Licensed Drivers

a) All Licensed Drivers are required to notify the Council in writing within 48 hours of the following matters: -

(i) Their arrest and release, with the Council being advised as to the reason for their arrest; the name of the arresting Police force; the date of their arrest; the date of their release; and whether they have been released under investigation;

(ii) The date that they were charged and / or convicted of a criminal offence, including details of the criminal charge, the date of their first Court Hearing, (if any), the date of their sentencing and details of the sentence imposed, as appropriate. For the avoidance of any doubt, if a Licensed Driver is convicted of a criminal offence and then pursues an Appeal against conviction, or sentence, the notification provisions still apply; and

(iii) The date that they have accepted a caution and confirmation of what criminal offence the caution related to.

The above matters are collectively referred to as the "Self-Reported Information". For the avoidance of any doubt, the self-reporting obligations apply seven days a week, ie. the 48-hour period does include weekends.

b) If the Self-Reported Information relates to any sexual offence, any offence involving dishonesty, or violence, or any motoring offence then this could lead the Council undertaking a review of whether the Licensed Driver remains a "fit and proper person" to hold their respective Licence, although this does not prevent such consideration in relation to any other criminal offences.

c) Self-Reported Information is required to be reported via the Council's website portal : https://www.sunderland.gov.uk/Taxi-Licensing-Report-a-conviction

d) If a Licensed Driver fails to disclose the Self-Reported Information to the Council and the Council subsequently learns of the same by other means, (such as via the Police Common Law Disclosure, under an Enhanced Disclosure and Barring Certificate, or in a Renewal Application), then the failure on the part of the Licensed Driver to previously advise the Council about the Self-Reported Information may be considered to be behaviour that questions the honesty, and therefore the "fitness" of the Licensed Driver to hold their respective Licence; and

e) The Council will take any failure to comply with the requirements to notify about Self-Report Information very seriously. Where there has been a failure to notify about cautions, or convictions within the stated 48 hours timescales the Council will consider that caution, or conviction as if it occurred on the date that it was disclosed to the Council by the Licensed Driver, or when the Council became aware of the same if the Licensed Driver had failed to notify the Council.

f) Should a Licensed Driver have any queries about how to report the Self-Reported Information then they should immediately contact the Council's Licensing Section.

4: Driver's Badge

All Licensed Drivers are always required when acting in accordance with their issued Licence to drive Private Hire Vehicles wear their issued badge in such a position and in such a manner that it is plainly and distinctly visible.

5: Equal Opportunities

All Licensed Drivers must always treat passengers, or any potential passengers with courtesy and respect. They must not discriminate against any person because of the following: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion, or belief; sex; and sexual orientation.

6: Fare to be Demanded

Licensed Drivers must not demand a fare that is greater than that previously agreed with the passenger and the operator. If a taximeter is in use only the fare displayed, or a lesser fare may be charged to the passenger.

7: Animals

a) Licensed Drivers must not carry any animals in the Licensed Vehicle that is being used by them other than those belonging to, or in the care of their passengers.

b) With the exception of assistance dogs who are not restricted to the rear of the private hire vehicle, any animal belonging to, or in the care of any passenger should only be carried in the rear of the Licensed Vehicle.

8: Property

When passengers have been dropped off by the Licensed Driver at their destination the Driver must check their Licensed Vehicle for any property accidentally left there. If any is found it must be returned to the passenger or handed into a Police Station as soon as possible and no later than the end of their respective shift.

9: Medical Conditions

All Licensed Drivers are required to immediately notify the Council in writing of any deterioration in their health, or medical condition that may affect their ability to drive Private Hire Vehicles. The following procedure is to be used: -

Use the councils self-reporting web portal
https://www.sunderland.gov.uk/Taxi-Licensing-change-of-details

10: Soliciting or Touting

Licensed drivers shall not while driving or in charge of the vehicle:-

(a) Tout, solicit on a road or other public place any person to hire or to be carried in any Private Hire Vehicle; or

(b) Cause or procure any other person to tout or solicit on a road or public place any person to hire or to be carried in any Private Hire Vehicle; or

(c) Offer the vehicle for immediate hire while the vehicle is on a road or other public place.

11: Prompt Attendance

Licensed Drivers must always pick up passengers on time, unless unavoidably delayed. If a Driver is to be delayed, then they, or their Operator is expected to notify the passenger of any such delay as soon as possible.

12: Carrying Passengers

Licensed Drivers must not: -

(a) Carry more passengers in their Licensed Vehicle than is permitted by respective Private Hire Vehicle Licence;

(b) Carry more than one person in the front seat, unless the Licensed Vehicle is furnished with a bench type front seat that is 1270mm, or more in length between the doors and is provided with seat belts for all front seats passengers. Only two passengers may be carried using this front seat; and

(c) Unless the consent of the hirer is obtained, carry any additional person in the Private Hire Vehicle.

13: Receipts

If requested to do so by a passenger the Licensed Driver must provide the passenger with a written receipt for the fare paid, including the amount of VAT, (if applicable), shown separately, if asked to do so. The Driver should provide details of the journey, including the date, the fare, the Licensed Vehicle and Operator details. They should include their name and should sign the receipt.

14: Taximeters in Private Hire Vehicles

If the Licensed Vehicle driven by the Licensed Driver is fitted with a meter the Driver must: -

(a) Not cancel, or conceal the fare recorded until the hirer has had a reasonable opportunity of examining it and has paid the fare, unless credit is to be given;

(b) Ensure that when the Licensed Vehicle is not being hired the key is to be locked and the machinery kept inactive, with the meter showing no fare;

(c) Ensure that the meter is sufficiently illuminated when in use and is visible to all passengers in the Licensed Vehicle;

(d) Ensure that the meter is only brought into action and the fare, or charge must only commence when the hirer starts their journey; and

(e) Ensure that the fare charged does not exceed the fare displayed on the meter at the end of their respective journey.

15: Drug and Alcohol Testing

Should the Council have reason to believe that a Licensed Driver may be abusing drugs, or alcohol, the Driver will be required to undertake a drug, or

alcohol test as may be required by the Council. The cost of the test will be undertaken at the Licensed Driver's expense and will be carried out within the time scales required by the Council.

16: CCTV & Other Recording Devices

a) Licensed Drivers are in a position of trust and passengers can reasonably expect complete privacy and discretion when hiring their Licensed Vehicle.

b) Licensed Drivers must not video, or record passengers other than through a CCTV system that has been installed specifically for the purposes of deterring or detecting crime and which complies with the requirements of the Data Protection Act 2018. Any footage obtained of passengers must not be made publicly available. No still, moving images, or audio recordings, or transcripts of audio recordings are permitted to be made available, shown, or shared on social media, or by other means. It must only be processed in accordance with the requirements of the CCTV Operating Procedure.

17: The Council's Complaints Procedure

At all times Licensed Drivers must display in the Licensed Vehicle that is being used by them the Council's Complaints Procedure about how to make a complaint to the Council about matters relating to taxis and private hire matters.

Appendix 4

Code of Conduct for Licensed Drivers

Preliminary Matters :

In order to promote the Council's Licensing Objectives as set out in Council's Statement of Private Hire and Hackney Carriage Licensing Policy, ("the Policy"), the Council has adopted this Code of Conduct for Licensed Drivers, ("the Code");

The Code has application to all persons licensed by the Council to drive hackney carriage and / or private hire vehicles. This Code must be read in conjunction with the statutory provisions and other requirements that are set out in the Policy;
For the avoidance of any doubt, :-

(i) Any failure to comply with the Code may be taken into account by the Council when assessing whether a licensed driver remains a "*fit and proper person*" to continue to hold their respective licence and in deciding what disciplinary action, if any, should be taken in relation to them; and
(ii) Any reference to a passenger includes a prospective passenger and a former passenger.

At all times licensed drivers must display in the licensed vehicle being used by them as a licensed vehicle the Council's Complaints Procedure about how to make a complaint to the Council about taxis and private hire matters.

General Level of Conduct Expected by Licensed Drivers :

1. At all times licensed drivers are expected to demonstrate appropriate professional conduct, ie. whilst undertaking their role as a licensed driver and when not. They are required to be courteous, avoid confrontation, not be abusive, or exhibit prejudice in any way. Licensees are expected to act with integrity and demonstrate conduct befitting of the trust placed in them as a licensed driver. They are expected to behave in a calm manner at all times, including when dealing with challenging passengers. Licensed drivers must not engage in any conduct that threatens or puts the personal safety of passengers and members of the public at risk. In particular, they must not take advantage of passengers, especially children and vulnerable adults.

2. Licensed drivers are regarded as "ambassadors of the City of Sunderland". How they conduct themselves is very important. They may give a passenger their first impression of the City of Sunderland and the Northeast. This should be kept in mind when Licensed Drivers interact and provide services to passengers.

3. At all times Licensed drivers must treat passengers with courtesy and respect. They must not discriminate against any person because of the following : age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion, or belief; sex; and sexual orientation.

Responsibility of Licensees Towards the Hackney Carriage and Private Hire Trade :

All licenced drivers have a responsibility to promote the image of the hackney carriage and private hire trade by, :-

(a) Complying with the provisions of this Code;
(b) Complying with all applicable legislation, the conditions of their respective licence, as appropriate, and the Policy; and
(c) By acting in a professional manner at all times.

Responsibility of Licensees Towards to Passengers :

All licensed drivers are required to, :-

(a) Take the shortest available route when transporting passengers. In those circumstances where a diversion is required to be taken, (such as due to roadworks, or because of an accident), this must be clearly explained to the passenger prior to the diversion being undertaken;
(b) Take all reasonable steps to ensure the safety of passengers while they are entering, being transported in, or when exiting their licensed vehicle;
(c) Treat their passengers with courtesy and respect at all times;
(d) Refrain from engaging in any dialogue, conversation, or any activities with a passenger that may be considered by a reasonable person to be offensive, in any way inappropriate, constitutes conduct not befitting of the trust placed in them as a licensed driver, or which in any way takes advantage, (financially, or otherwise), of such passengers;
(e) Maintain their licensed vehicle in a safe and satisfactory condition at all times;
(f) Keep their licensed vehicle clean and suitable for hire at all times;
(g) When undertaking a pre-booked hiring they attend their booking on time;
(h) Where necessary and reasonable to do so, :-

i) Assist passengers into and out of their licensed vehicle;
ii) Offer passengers reasonable assistance to load their luggage into, or out of their licensed vehicle and / or other bags, such as shopping bags; and
iii) Offer assistance to elderly, infirm, or disabled passengers;

(i) Not smoke tobacco products, e-cigarettes, or other similar nicotine delivery devices when inside their licensed vehicle at any time, or permit passengers to do so;
(j) If the licensed driver drives a wheelchair accessible vehicle which is contained on the list maintained by the Council under Section 167 of the Equality Act 2010, (“the Act”), then unless the licensed driver has been issued with an exemption certificate under Section 166 of the Act they are required to comply with the duties under Section 165 when their licensed vehicle has been hired by, or for a disabled person who is in in a wheelchair, or by another person who wishes to be accompanied by a disabled person who is in a wheelchair. The following duties apply, :-

i) To carry the passenger while in their wheelchair;
ii) Not to make any additional charge for doing so;
iii) If the passenger chooses to sit in a passenger seat, to carry the wheelchair;
iv) To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort;
v) To give the passenger such mobility assistance as is reasonably required; and
vi) The provision of mobility assistance covers the following matters : enabling the passenger to get into, or out of their Licensed Vehicle; should the passenger wish to remain in their wheelchair, to enable the passenger to get into and out of their Licensed Vehicle while in the wheelchair; to load the passenger's luggage into, or out of their Licensed Vehicle; and if the passenger does not wish to remain in their wheelchair, to load the wheelchair into, or out of the Licensed Vehicle; and

(k) Unless the licensed driver has been issued with an exemption certificate under Section 169, (hackney carriage vehicles), or Section 171, (private hire vehicles), of the Act they are required to comply with the duties under Section 168, or Section 170 when their licensed vehicle has been hired by, or for a disabled person who is accompanied by an assistance dog, or by another person who wishes to be accompanied by a disabled person with an assistance dog. The licensed driver must carry the disabled person's dog and allow the dog to remain with them and must not make any additional charge for doing so. For the avoidance of any doubt, assistance dogs are not restricted to the rear of licensed vehicles.

Responsibility of Licensees to Residents :

1. All licensed drivers are required to avoid causing a nuisance to residents when picking up or waiting for a fare. Examples of how this can be met includes, but is not limited to, the following, :-

(a) Save to comply with the requirements of the Highway Code, not to sound their licensed vehicle’s horn, such as to notify a passenger of their arrival;
(b) To keep the volume of any cassette, CD player, any radio, DVD player, Bluetooth device, any satellite navigation system, any radio-controlled communications system, or any other electrical device which omits noise to a minimum; and
(c) Switch off the licensed vehicle’s engine if required to wait for a passenger to approach their vehicle.
(d) Take whatever other additional action that may be reasonably required to avoid causing a disturbance to residents in the neighbourhood.
(e) Not to deposit any litter, save for placing it into a bin.
(f) Not to engage in any form of anti-social behaviour.

Responsibility of Licensees When Plying for Hire :

1. When at a hackney carriage rank and when at other places where hackney carriages ply for hire by way of forming queues, licensed hackney carriage drivers are also required to comply with the following requirements, :-

   (a) To rank in an orderly manner and to proceed along the rank in order and in a prompt manner; and

   (b) Unless there is a reasonable excuse for not doing so, to remain seated in their licensed vehicle.

General Requirements of Licensed Drivers :

1. All licensed drivers are required to, :-

   (a) Drive with due care and attention and to have due consideration for other road users and pedestrians;
   (b) Obey all Traffic Regulation Orders and directions at all times, including compliance with the relevant speed limits that apply, ie. both permanent and temporary, including average speed limits. In order to monitor their speed when driving and to ensure compliance with the relevant speed limits, it is imperative that licensed drivers do not place undue reliance on electronic devices, including such things as satellite navigation systems and “Road Angels”. A licensed driver should monitor their speed by reference to their vehicle’s speedometer;
   (c) Comply with the rules and spirit of the Highway Code;
   (d) Ensure they do not smell of alcohol;
   (e) Ensure that they do not drive whilst under the influence of alcohol and / or drugs. Any amount of alcohol, or drugs can significantly impact upon a driver’s judgement. The Council will take a very serious view of any licensed driver who has been found to have consumed alcohol, or drugs prior to, or whilst in charge of a licensed vehicle;
   (f) Pay attention to their personal hygiene;
   (g) Dress in accordance with the Dress Code for licensed drivers detailed within the Code of Conduct;
   (h) Behave in a civil and orderly manner at all times;
   (i) Ensure, having due regard to the transportation of young children, that all passenger doors are unlocked immediately upon arrival at the destination, or on any other occasion when their licensed vehicle is stationary and the passenger asks to leave the vehicle;
   (j) Cooperate fully with any investigation that may be undertaken by Officers from the Council’s Licensing Section or Police Officers regarding themselves and / or a third party concerning the licensing and regulation of hackney carriage and private hire matters, as appropriate;
   (k) Bring to the attention of the Council’s Licensing Section any concerns that they may reasonably have about the alleged conduct of a licensed driver who is licensed by the Council, or by another council, or the alleged conduct of any unlicensed driver who may be operating within the City of Sunderland;

(l) Comply with any guidance that may be issued from time to time by the DfT concerning hackney carriage and private hire vehicles and associated issues as they apply to licensed drivers; and
(m) Notify the Council in writing of any change of their home address and their contact details during the period of the Licence within one calendar month of any such changes taking place. Contact details includes their e-mail address and their telephone number, ie. landline and mobile. Changes in home address and contact details are required to be notified via the Council's website portal : https://www.sunderland.gov.uk/Taxi-Licensing-change-of-details

2. Licensed drivers must not, :-

(a) Drive after having taken illegal drugs, whilst under the influence of alcohol and / or drugs, or after having taken medication that may have an impact on their ability to safely drive their licensed vehicle;
(b) Engage in any dialogue, conversation, or activities of a sexual nature, whether initiated by the licensed driver, or not, with a passenger whilst acting as a driver of a vehicle licensed by the Council;
(c) Drink, or consume food in their licensed vehicle at any time while transporting passengers. Best practice is for licensed drivers to take rest periods away from their vehicle;
(d) Play any radio, sound reproducing instrument, or equipment in their licensed vehicle other than for the purpose of sending, or receiving messages in connection with the operation of the vehicle without the consent of the passenger;
(e) Licensed drivers are in a position of trust and passengers can reasonably expect complete privacy and discretion when hiring their licensed vehicle; and
(f) Video, or record passengers other than through a CCTV system that has been installed specifically for the purposes of deterring or detecting crime and which complies with the requirements of the Data Protection Act 2018. Any footage obtained of passengers must not be made publicly available. No still, moving images, or audio recordings, or transcripts of audio recordings are permitted to be made available, shown, or shared on social media, or by other means. It must only be processed in accordance with the requirements of the CCTV Operating Procedure.

Self-Reporting Obligations on the Part of Licensed Drivers :

1. All licensed drivers are required to notify the Council in writing within 48 hours of the following matters, :-

(a) Their arrest and release, with the Council being advised as to : the reason for their arrest; the name of the arresting Police force; the date of their arrest; the date of their release; and whether they have been released under investigation;
(b) The date they were charged and / or convicted of a criminal offence, including details of the criminal charge, the date of their first Court Hearing, (if any), the date of their sentencing and details of the sentenced

imposed, as appropriate. For the avoidance of any doubt, if a licensed driver is convicted of a criminal offence and then pursues an Appeal against conviction, or sentence, the notification provisions still apply;

(c) The date that they have accepted a caution and confirmation of what criminal offence the caution related to; and

(d) The acceptance of a Fixed Penalty Notice, which may, or may not result in penalty points being endorsed on their DVLA Driver's Licence.

The above matters are collectively referred to as the "Self-Reported Information". For the avoidance of any doubt, the self-reporting obligations apply seven days a week, ie. the 48-hour period does include weekends.

2. If the Self-Reported Information relates to any sexual offence, any offence involving dishonesty, or violence, or any motoring offence then this could lead to the Council undertaking a review of whether the licensed driver remains a "*fit and proper person*" to hold their respective licence, although this does not prevent such consideration in relation to any other criminal offences.

3. Self-Reported Information is required to be reported via the Council's website portal : https://www.sunderland.gov.uk/Taxi-Licensing-Report-a-conviction

4. If a licensed driver fails to disclose the Self-Reported Information to the Council and the Council subsequently learns of the same by other means, (such as via the Police Common Law Disclosure, under an Enhanced Disclosure and Barring Certificate, or in a Renewal Application), the failure to disclose may be considered to be behaviour that questions the honesty, and therefore the "fitness", of the licensed driver to hold their respective licence.

5. The Council will take any failure to comply with the requirements to notify about Self-Report Information very seriously. Where there has been a failure to notify about cautions, or convictions within the stated 48 hours timescales the Council will consider that caution, or conviction as if it occurred on the date that it was disclosed to the Council by the licensed driver, or when the Council became aware of the same if the licensed driver had failed to notify the Council.

6. Should a Licensed Driver have any queries about how to report the Self-Reported Information then they should immediately contact the Council's Licensing Section for advice and assistance by emailing licensing@sunderland.gov.uk

Dress Code for Licensed Drivers :

1. A Dress Code for Licensed Drivers, ("the Dress Code"), has been adopted to achieve a standard of dress that seeks to promote a positive image of the hackney carriage and private hire trade that operates within the City of Sunderland.

2. The Dress Code seeks to enhance and promote the professional image of licensed drivers. It seeks to promote the fact that licensed drivers are

professional drivers. Having a Dress Code also seeks to ensure that public and driver safety is not compromised in any way.

3. For the avoidance of any doubt, the Dress Code has application when a licensed driver is on duty and is working as a licensed driver.

4. The following requirements apply under the Dress Code, :-

(a) In terms of minimum standards, licensed drivers must wear either long legged trousers, knee length shorts, skirt, or dress and T-shirts having a full body and short sleeves;
(b) For executive or limousine hire, the proprietor will ensure that the driver of the vehicle will be appropriately dressed in a chauffeur's uniform, or "business type" clothes when the vehicle is being hired.
(c) The footwear worn by licensed drivers is required to be appropriate to enable the safe driving of their licensed vehicle. Sandals with no heel straps, flip flops, or any other form of footwear that is not secured around the heel is not considered to be appropriate footwear;
(d) The following are deemed to be unacceptable forms of dress which must not be worn by licensed drivers, :-

(i) Words, or graphics on clothing that is offensive, is of a suggestive nature, or which might offend;
(ii) Sportswear which takes the form of football, or rugby tops, tracksuits, or beachwear;
(iii) Wearing clothes which do not suitably cover the top, or bottom half of their bodies; and
(iv) With the exception of when a uniform is worn for a special occasion, or something that is worn for a religious purpose, no headwear, or other items that partially, or completely cover the head, face, or which conceals the identity of the licensed driver are permitted to be worn. For example, baseball caps and hoodies.

Medical Conditions :

1. All licensed drivers are required to immediately notify the Council in writing of any deterioration in their health, or medical condition that may affect their ability to drive. Such information is required to be reported via the Council's website portal : https://www.sunderland.gov.uk/Taxi-Licensing-change-of-details

Contact Details for the Council's Licensing Section :

1. The Council's Licensing Section can be contacted as follows, :-

a) By e-mail : licensing@sunderland.gov.uk; and
b) Address, :-

Sunderland City Council,

Licensing Section,
City Hall,
Plater Way,
Sunderland,
Tyne and Wear,
SR1 3AA.

Appendix 5

Driver's Licence Voluntary Surrender Form

Name of Licensed Driver : _____

Address of Licensed Driver : _____

_____

_____

_____

Driver's License Number : _____

Type of Driver's Licence : [ ] Hackney Carriage; and / or

[ ] Private Hire Vehicle

I confirm I no longer wish to hold my above stated Driver's Licence(s) and wish to surrender, (ie. return), to Sunderland City Council as the Licensing Authority. I understand that following the surrender of my Licence(s) I will no longer be able to lawfully drive the type of licensed vehicles that my Licence(s) authorised me to drive.

If, following the surrender of my Driver's Licence, I later decide that I want to hold a further Licence I will be required to submit a new application to Sunderland City Council.

I have decided to surrender my Licence(s) due to the following reason(s), :-

_____

_____

_____

_____

_____

_____

_____

I have returned the following to the Licensing Authority, :-

[ ] Paper Hackney Carriage Driver's Licence

[ ] Paper Private Hire Vehicle Driver's Licence

[ ] Hackney Carriage Driver's Badge

[ ] Private Hire Vehicle Driver's Badge

Signed : _____

Name of Licensed Driver

Dated : _____

Time : _____

Licensing Section's Checklist :

[ ] Paper Hackney Carriage Driver's Licence returned

[ ] Paper Private Hire Vehicle Driver's Licence returned

[ ] Hackney Carriage Driver's Badge returned

[ ] Private Hire Vehicle Driver's Badge returned

[ ] Date ticked items returned : _____

[ ] Time ticked items returned : _____

Signed : _____

Principal Licensing Officer / Senior Licensing Officer / Licensing Officer

Dated : _____

Time : _____

Appendix 6 :

Driver Improvement Scheme

Preliminary Matters :

a) Where the Principal Licensing Officer has concerns regarding whether an existing licensed driver is a safe driver with a good driving record, they will be referred to the Council's Driver Improvement Scheme;
b) If the existing licensed driver refuses to undertake a driver improvement course as part of the Driver Improvement Scheme, then their case will be referred to the Licensing and Regulatory Committee for determination;
c) By offering a licensed driver the opportunity to undertake a driver improvement course it is hoped that, :-

(i) The general standard of driving on the part of licensed drivers will improve, thereby promoting safe driving; and
(ii) The frequency of poor driving complaints received by the Licensing Section will fall, as will the number of driving offences committed.

d) Where appropriate, the provisions of the Driver Improvement Scheme have been incorporated within the Convictions Policy and Assessment of Previous Convictions which are set out in **Appendix 2**.

Criteria for Referral to the Driver Improvement Scheme :

The Principal Licensing Officer will decide which existing licensed drivers are to be referred to the Driver Improvement Scheme for the purposes of undertaking a driver improvement course.

Cases will be considered on an individual basis. The Principal Licensing Officer will request an existing licensed driver to undertake a driver improvement course in following circumstances, :-

(a) They have accrued six penalty points for Minor Driving Offences within a three-year period; and / or
(b) Where complaints have been received by the Licensing Section regarding a driver's alleged poor driving standards.

The following "aggravating factors" will also be taken into account by the Principal Licensing Officer in deciding whether, or not a driver is requested to undertake a driver improvement course, with their case instead being referred to the Licensing and Regulatory Committee for determination, although the list is non-exhaustive,:-

a) Whether the driver has previously appeared before the former Regulatory Committee and / or the current Licensing and Regulatory Committee;
b) Whether, or not the driver notified the Council about their respective speed limits offences in accordance with the self-reporting requirements;

c) The driver's demeanour, attitude and level of co-operation when discussing the speed limits offences in issue with Officers from the Licensing Section; and
d) Whether the driver has previously undertaken a driver improvement course.

Information About the Driver Improvement Course :

The following information is provided about the driver improvement course, :-

1. The course will be administered and delivered by an independent, third-party organisation that is engaged by the Council;
2. The assessment will be carried out by a Driver and Vehicle Standards Agency (DVSA) Fleet Approved Assessor;
3. It will take the form of an assessment. Drivers will need to demonstrate a level of driving skill and ability associated with that of an experienced professional driver. A sound knowledge of the Highway Code will need to be demonstrated to the Assessor;
4. The standard needed to pass the assessment will be higher than that of a learner driver taking the standard driving test;
5. The assessment will consider issues specifically related to undertaking the professional driving duties expected of a licensed driver driving a hackney carriage vehicle, or a private hire vehicle;
6. The main focus of the assessment is on road safety, the safe conveyance of passengers and the safety of the general public;
7. The assessment will last for approximately 45 minutes and will include driving on a wide range of roads, (including dual carriageways and possibly motorways), and a variety of road traffic conditions;
8. Prior to undertaking the assessment, it is recommended that drivers take a driving lesson, at their own cost, with an approved Advanced Driving Instructor;
9. The Assessor will ask the driver to carry out two reversing manoeuvres, as chosen by the Assessor, from the following : a turn in the road; a left, or right reverse from major to minor road; reversing into a car parking space, (bay parking); and reversing into a space at the side of the road, (parallel parking). Manoeuvres must be performed safely, under control and in accordance with the Highway Code;
10. The Assessor will ask the driver to perform two, or three stops of their vehicle. When being done the following should be undertaken : driver to pull up at a reasonable distance from the kerb where it is safe, legal and convenient; apply the handbrake; select neutral gear; and ensure there are no obstructions, such as a streetlight, that would stop a passenger from opening the door, or would be such that the chosen location is inappropriate for a passenger using a wheelchair, or a passenger being assisted by an assistance dog;
11. The Assessor will ask the driver to perform an "independent drive" which will last for about 10 minutes. The driver will be asked to drive without being given directions. They will be asked to follow a series of street directions, traffic signs, or a combination of both. The aim of the independent drive is to test whether the driver is able to make their own decisions whilst driving and how safely they navigate the route without prompts. When undertaking this part of the test : the driver can ask the Assessor for a reminder of the directions; the

key point is to avoid driving faults; if there are poor, or obscured traffic signs, the Assessor will give directions until the next visible traffic sign; a detailed knowledge of the test route is not necessary; and a sat-nav cannot be used;

12. The Assessor will observe the driver and will mark them against a pre-determined assessment criteria. The driver will be marked as if taking a normal practical driving test;
13. If a driver commits more than nine minor driving faults they will fail the assessment. They will also fail the assessment if they record one, or more dangerous, or serious faults. A driver will also fail the assessment if they commit offences such as driving in a bus lane contrary to a restriction, they contravene a traffic light, overtake contrary to the road marks and other similar actions;
14. **Minor Driving Fault :** a non-dangerous fault, such as hesitating at a junction, or not signalling, or signalling too late;
15. **Dangerous Fault :** an incident that caused actual danger whilst driving;
16. **Serious Fault :** a potentially dangerous incident has occurred, or where a regular minor driving fault shows a serious, or potentially dangerous weakness in the driver's driving;
17. The Assessor will only mark the driver based on what they have seen and have observed during the assessment;
18. A driver who demonstrates a safe smooth drive without any dangerous, or serious faults, or less than nine minor driving faults will pass the assessment;
19. At the end of the assessment that Assessor will give the driver the result of their assessment. They will be given a copy of their assessment sheet;
20. A driver who has passed the assessment will receive a certificate;
21. A driver who fails the assessment will be provided with a copy of their assessment sheet. They will be expected to undertake a retest, normally within a period of one month of the date of their assessment;
22. In the event of a driver failing the assessment for a second time, this would bring into question whether they are a "*fit and proper person*" to hold a licence to drive a licensed vehicle. In such circumstances, their case will be referred to the Licensing and Regulatory Committee, with the Committee being asked to give consideration to the possible suspension, revocation, or refusal to renew their licence, as appropriate.

How to Book a Driver Improvement Course and Payment :

Booking

All bookings should be made online using the link
https://www.bluelamptrust.org.uk/bookingform/

For enquiries, drivers can contact the assessment booking office on 0333 700 0157, Monday to Friday 09:30 – 15:00.

Once a date and time for your assessment has been agreed between you and your assessor, you may cancel or change the appointment date by contacting the assessing company on 0333 700 0157 up to 5 clear working days prior to the test without incurring costs.

The 5 clear working day cancellation period cannot include weekends, bank holidays, the day of your assessment or the day you give us notice. For example, if you have a test booked for a Thursday you will need to advise the assessor by the previous Wednesday.

Changes made within 5 clear working days will not qualify for a refund and re-booking will attract the full fee which will be paid by the licensee.

Short Notice Booking – If you agree an assessment date with the assessor that is within 5 clear working days or less, changes cannot be made and refunds will not be given

Preparing for your Assessment

You may have several years of driving experience however we all pick up bad habits over time. Therefore, it is strongly recommended that you take a driving lesson with an approved driving instructor (ADI) before taking your assessment.

The Assessor does not offer on road training in preparation for your assessment as this would be conflict of interest.

For the avoidance of doubt, The assessing company and the assessor are not connected with Sunderland City Council and all communication regarding the assessment, booking or cancelling an appointment, must be made directly with the assessing company at the details provided above.

Appendix 7 :

Hackney Carriage and Private Hire Vehicle Specifications

All licensed vehicles shall comply in all respects with the requirements set out below as appropriate for the type of vehicle.

This is in addition to all requirements of the Road Traffic legislation, which relates to all motor vehicles.

All vehicles must comply with the requirements of Section A. Private Hire vehicles must comply with the requirements of Section B and Hackney Carriages must comply with the requirements of Section C.

If you are making a new application for a Hackney Carriage proprietors' licence, the vehicle must be wheelchair accessible and must also comply with the requirements of Section D.

All vehicles must have the appropriate type of approval.

The following vehicle specification must be maintained throughout the licence period unless changes have prior approval by the Council.

Section A - General specification for all vehicles

General Construction

1. The vehicle shall comply fully with all relevant statutory provisions relating to the construction of motor vehicles and including in particular those contained in the Road Vehicles (Construction and Use) Regulations 1986 (or any successor legislation).

2. Any modification to the vehicle (e.g. conversion to wheelchair accessible, alteration of the original seat configuration or any other ‘adaptation’) must be approved by the Council and the appropriate certificate produced.

3. The vehicle shall be right hand drive with a fixed head type body.

4. The vehicle shall be capable of carrying in reasonable comfort at least four passengers.

5. The vehicle shall be M1 category. In the case of post registration conversions Individual Vehicle Approval is required.

6. The vehicle shall have a minimum unladen height of 1.325 metres (53”).

Passenger Comfort

1. Every passenger seat in the vehicle must meet the following minimum dimensions:

(a) Individual seat width – 41cm (16”)
(b) Bench seat width (ie. rear seat of a saloon vehicle) – 124.5cm (49”) Width between door handles –124.5cm (49”)
(c) Width between rear doors – 132cm (52”)
(d) Seat squab height measured from vehicle floor - 30cm (12”)
(e) Seat squab depth – 45cm (18”)
(f) Headroom measured from centre of seat to underside of roof – 87.5cm (35”)
(g) Legroom measured from seat back diagonally to vehicle floor – 94cm (37”)
(h) Unobstructed space in front of seat measured from seat back – 63.5cm (25”)

As to the suitability of a vehicle where the measurements are below the above dimensions, discretion may be applied and each case will be treated on its individual merits.

2. There shall be no obstructions or features in the vehicle (e.g. prominent transmission tunnels, door furniture, vehicle controls, etc) which in the opinion of the Council materially interferes with the comfort of any passenger.

3. The vehicle shall have an adequate heating and ventilation system for the comfort of all passengers

4. The vehicle shall be equipped with either:

(a) A spare wheel of full or space save design above the legal tread requirement and the tools to change a wheel, or
(b) An emergency puncture repair kit (with compressor/inflation pack) or
(c) Run flat tyres or
(d) Provide evidence of a contract with a mobile tyre replacement specialist.

In the event of a space – saver tyre, run flat tyres (when punctured) or puncture repair kit being used, it is only to complete a fare and must comply and be maintained in accordance with the manufactures’ recommendations. Any such defective wheel should be replaced before taking another fare to ensure passenger safety.

Passenger Safety

1. The Council’s specification relating to the use of tinted windows in licensed vehicles is as follows, :-

(a) The windscreen is to have a minimum light transmission of 75%;
(b) All other front windows are required to have a minimum of 70% light transmission;
(c) All rear windows are required to have a minimum of 35% light transmission, unless the below criterion can be met where there will be no minimum light transmission.

The minimum light transmission specifications can be relaxed in the following circumstances, :-

(a) When the vehicle is a limousine, novelty vehicle, or executive hire vehicle operating under an Exemption Notice;
(b) The vehicle will not be engaged at all in any contract, or provision of vehicle for the carriage of school children or based around the carriage of unaccompanied children / young persons, (under age 18 years unless accompanied by an adult other than the driver). The driver must not act as the accompanying adult; and
(c) Written approval has been given by the Council.

Notwithstanding the above, having regard to the latest DfT draft Guidance the Council will not require any licensed vehicle to adhere to the minimum tint specifications where that vehicle is fitted with CCTV.

The addition of a CCTV system to the licensed vehicle as described in the section "**E15. CCTV in Vehicles**" would remove the necessity of the removal of dark tints.

2. The vehicle shall have at least 4 doors and open sufficiently wide so as to allow safe and easy access and egress. Each passenger, other than a front seated passenger, shall have access to at least two doors.

3. Every passenger seat shall be either forward or rear facing and shall be fitted with an approved (lap & diagonal) seat belt, with the exception of Limousines fitted with side facing bench-seats.

Luggage Capacity

1. The vehicle shall have capacity to convey an appropriate quantity of luggage.

Section B - Specification for Hackney Carriages

1. Hackney Carriage vehicles must be white in colour.

2. Hackney Carriage vehicles must have fitted on the roof, an internally illuminated TAXI top sign meeting a specification in relation to size and colour approved by the Council and relevant to the type of vehicle.

3. Hackney Carriage vehicles must be fitted with a taximeter, properly tested and sealed, and calibrated to enable testing in accordance with the Council's current Hackney Carriage Fare Table

Section C - Specification for Private Hire Vehicles

1. The vehicle must not be white in colour or a colour which closely resembles white in the opinion of the Licensing Officer.

2. If the Private Hire vehicle is fitted with a meter, it must be properly tested and sealed.

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Section D - Specification for New and Replacement Wheelchair Accessible vehicles

Vehicle requirements, safety and comfort

1. The vehicle must comply fully with all general policies and specifications of the Council which relate to hackney carriage or private hire vehicles.

2. The vehicle must comply fully with Sections A - C of the preceding 'General Specification for all Hackney Carriages and Private Hire Vehicles'.

3. Any vehicle to be licensed must have Category M GB Type Approval (or equivalent) shown on the registration document. Converted vehicles must have one of the following certificates -European Whole Vehicle Type Approval / Individual Type Approval (IVA) or European low volume Type Approval (or GB equivalent once published)

4. The vehicle must be capable of accommodating at least one wheelchair, in either a forward or rear facing position whilst the passenger remains seated in the wheelchair allowing adequate space to ensure the safety and comfort of the wheelchair user, and without interfering with the safety and comfort of any other passengers

5. If a vehicle is side loading and requires the wheelchair to be turned in order to be in a forward or rear facing position, there shall be sufficient space for the wheelchair to be manoeuvred safely and comfortably

6. The passenger compartment must have sufficient space to safely and comfortably accommodate an assistance dog that accompanies a passenger and at least one additional passenger

7. The design of the vehicle must ensure that any wheelchair is loaded from the side or the rear of the vehicle

8. The vehicle must be right-hand drive

9. Windows must be provided at the rear and sides along with means of opening and closing not less than one window on either side

10. All surfaces over which a wheelchair user may travel shall have a slip resistant finish applied

11. Handrails / handholds must be provided for passengers entering / exiting the vehicle and when manoeuvring inside the vehicle

12. Handrails and handholds shall be slip resistant, capable of being easily and firmly gripped and visually contrast with surroundings

Access & Egress

1. The vehicle shall have a minimum 4 doors, which are capable of being opened from the inside. The rear passenger compartment must have a minimum of two openable doors

2. All doors used for passenger access and egress must have a mechanism to positively hold them open

3. The vertical distance between the highest part of the floor and door lintel (doorway height) in order to gain access into the wheelchair passenger area must be no less than 1.23 metres

4.The doorway used for wheelchair boarding must have a minimum width of 75cm

5.The vertical distance between the highest part of the floor and the roof in the wheelchair passenger area must be no less than 1.35 metres

6. Access to and exit from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus

Boarding Ramps & Lifts

1. If the means of entry to the vehicle is by use of a ramp, a single one-piece ramp with a minimum width (between the rails) of 70cm shall be provided

2. The single ramp must be of a suitable design to ensure that it does not slip or tilt when in use and provide a suitable gradient when in use

3. The single ramp must accommodate all four wheels of a wheelchair to load and unload persons wishing to travel in the vehicle whilst remaining seated in their wheelchair

4. All ramps must have a safety lip on each side and the edges should be highlighted to reduce the risk of trips

5. Ramps used for loading passengers in wheelchairs must have visible marked reference to a safe working load (SWL) of at least 250kgs and certification to BS 6109 (as amended)

6. Ramps and lifts must be securely stored in the vehicle before it may move

7. Where manual / portable ramps are used, such ramps must have a designated stowage location which can store the equipment such that it does not present a risk of injury

8. Where a vehicle features mechanical, hydraulic or pneumatic lifting equipment for the purpose of loading and unloading passengers, the Council will have regard to the Lifting Operations and Lifting Equipment Regulations (LOLER) and will require evidence of thorough examination of such by a competent person at least annually.

Records of the most recent inspection should be kept until the equipment is re-inspected

9. The edge of any ramp or lift surface shall be highlighted and emphasised by a band of a contrasting colour

10. All required items must be well maintained and available for all journeys

Anchorages & Restraints

1. Anchorages compliant with ISO 10542-1 'Wheelchair Tie-down and Occupant Restraint System' (WTORS) must be provided for the wheelchair. These anchorages must be either chassis or floor linked and capable of withstanding approved dynamic or static tests

2. Where removable anchorages and restraints are used, such equipment must have a designated stowage location which can store the equipment such that it does not present a risk of injury

3. The anchorage must be secured in such a position as not to obstruct any emergency exit

4. Wheelchair internal anchorage must be installed and fitted by a competent person able to verify in a professional capacity that it has been fitted in accordance with all relevant legislative safety standards and requirements

5. Restraints for the wheelchair and occupant must be independent of each other

6. All passenger seats shall have three-point fully operational diagonal seatbelts, one for each passenger carried, fully compliant with British Standards

7. All required items must be well maintained and available for all journeys

General

1. Once licensed, a vehicle must always remain compliant with all of the conditions detailed above, under which it was first licensed or renewed, regardless of the nature of work it is carrying out. However, Private Hire Vehicles may remove and re-install seating for specific pre-booked private hire journeys as required

2. Sunderland Council believes its specification makes available a wide range of vehicles for owners and users alike. However, it also accepts that certain one-off adapted vehicles can also meet these needs, provided they are converted to a high standard and gain any necessary certification. Drivers who wish to present such a vehicle do so entirely at their own risk as each one will only be validated and accepted for testing after a visual inspection, along with a V5 and certificate check by a Licensing Officer of Sunderland Council. Previously accepting a similar vehicle is not a guarantee that a vehicle presented will also be accepted because, by definition, these vehicles are individually produced and therefore will be individually assessed

Appendix 8

Schedule of Conditions attached to Hackney Carriage Vehicle Licences

1. In these conditions unless the subject or context otherwise requires 'the Proprietor' means the holder of a Hackney Carriage Vehicle Licence 'the Council' means the Council of the City of Sunderland, 'Licence' means Hackney Carriage Vehicle Licence.

2. (a) The Proprietor shall cause the number of the Licence granted to him in respect of a vehicle to be legibly marked on the outside of the vehicle on a plate affixed thereto, such plate to be of the colour, size and shape and in such position as determined by the Council.

   (b) The Proprietor shall not wilfully or negligently cause or suffer the number or Licence plate marked or attached in pursuance of this Condition to be concealed from public view or to be so defaced that any figure or material particular is illegible.

3. (a) The Proprietor of a hackney carriage, other than a purpose-built London type cab with an inbuilt sign showing the word TAXI, shall cause a sign not less than 95cm or more than 105cm long and 18cm high to be fitted to the roof of the vehicle. The face of the sign shall bear the word TAXI in black lettering on a white, yellow or orange background with such insignia as determined by the Council on each side.

   (b) The sign shall show red to the rear and bear the telephone number of the hackney carriage company or proprietor in black numerals not more than 5cm in height with the Licence number of the vehicle to which it is attached, in black numerals not less than 7cm in height at each side.
   (c) Such sign shall be illuminated when the vehicle is available for hire, but not at any other time.

   (d) The Proprietor shall cause a 'For Hire' sign to be displayed in a conspicuous position on the vehicle and illuminated when the vehicle is available for hire but not at other times.

   (e) The 'Taxi' and 'For Hire' signs referred to in this Condition shall be so constructed as to switch off automatically when the taximeter is operating.

   (f) The Proprietor shall cause such insignia as determined by the Council to be displayed on the exterior of each of the two front doors of the vehicle.

   (g) The Proprietor shall not willfully or negligently cause or suffer the signs or insignia attached in pursuance of this Condition to be concealed from public view or to be so defaced that any figure or material particular is illegible.

   (h) The Proprietor may cause a sign not exceeding 8cm in height and 50cm in length to be displayed on the front nearside windscreen and/or on the rear windscreen stating the name of the hackney carriage company or firm. Such

sign shall be in black lettering on a white background and shall not be illuminated.

(i) The Proprietor may attach, affix or cause to be attached or affixed to the vehicle, an advertisement or advertisements provided that before so doing the proprietor shall obtain the approval of the Council to each advertisement.

(j) The Proprietor shall not attach or affix or cause to be attached or affixed to a vehicle any sign or mark other than one required or authorised by Conditions 2(a), 3(d), or 3(h).

4. A Proprietor shall ensure with regard to the vehicle to which their Licence relates:-

(a) that the vehicle is provided with sufficient means by which any person in the vehicle may communicate with the driver and that such means of communication is maintained;

(b) that the vehicle is maintained in a clean, comfortable, safe, watertight and mechanically sound condition;

(c) that the vehicle is provided with adequate means for securing luggage.

5. The Proprietor shall cause the vehicle to be provided with a taximeter which shall be so constructed, attached and maintained as to comply with the following requirements:-

(a) the taximeter shall be so constructed that it is not possible for any person manually to alter the tariff rate without breaking the seals affixed thereto;

(b) the taximeter shall be fitted with a key, flag or other device (such as a digital or calendar control), the operation of which will bring the machinery of the taximeter into action and cause the word 'hired' to appear on the face of the taximeter;

(c) 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;

(d) when the machinery of the taximeter is in action, there shall be recorded on the face thereof in figures clearly legible and free from ambiguity the fare which the Proprietor or driver is entitled to demand and take for the hire or the carriage by distance;

(e) 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;

(f) the taximeter shall be so placed that all letter and figures on the

face thereof shall be at all times plainly visible to any person being conveyed in the vehicle and for that purpose the letters and figures shall be suitably illuminated during any period of hiring and the switch for operating the light providing the said illumination shall be incorporated in and operated in conjunction with the key flag, or other device which brings the machinery of the taximeter into action and no other method of operating the said light shall be employed;

(g) the taximeter and all the fittings thereon shall be so affixed to the vehicle 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.

6. The Proprietor shall at the request of an authorised officer produce:

(a) the current drivers Licence of any person authorised to drive the vehicle

(b) the vehicle registration document

(c) the insurance document for the vehicle

7. A Proprietor who wishes to renew a Licence must make application at least 14 days before its expiration.

8. A Proprietor shall inform the Licensing Section in writing within one calendar month after changing his/her address.

9. The Proprietor shall at all times during the duration of the Licence ensure a policy of insurance is held authorising the use of the vehicle for hire or reward and complying with the Road Traffic Acts and any regulations or amendments thereto.

10. The Proprietor shall ensure that every driver employed by him holds a Licence to Drive Hackney Carriages and shall ensure that such driver is acquainted with, understands and observes the councils code of conduct attached to his Licence and the statutory provisions relating to such Licence.

11. A Proprietor shall not by calling out or otherwise importune any person to hire his carriage and shall not make use of the services of any other person for such purpose.

12. The Proprietor shall regularly search his vehicle for any property which may have been accidentally left therein.

13. The Proprietor shall, if any property accidentally left therein by any person who may have been conveyed in the vehicle be found by or handed to them must 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 their local police station and leave it in the custody of an Officer on their provision of a receipt for it;

14. A Proprietor shall:-

(a) not require for a journey a fare greater than that authorised by the table of fares in force within the prescribed area;

(b) cause the fare table provided by the Council to be fixed upon the vehicle in such a position and manner that the letters of such table are distinctly and plainly visible to any person being conveyed in such carriage;

(c) not willfully or negligently cause or suffer such table to be inverted or detached or altered or the letters or figures on such table to be in any manner or by any means concealed at any time.

15. If the proprietor transfers his interest in his vehicle to any person other than the proprietor whose name is specified in the Licence he shall within 14 days after such transfer give notice in writing to the Council specifying the name and address of the person to whom the vehicle has been transferred.

16. The Proprietor shall within 48 hours disclose to the Council in writing details of his conviction for any offence(s). The Council will then decide whether the Licence should be suspended or revoked, having regard to the offence(s).

17. No vehicle will be accepted for licensing by the Council as a hackney carriage or private hire vehicle unless it has been certified by either the Vehicle Certification Agency or the Vehicle and Operator Services Agency as meeting the requirements of:

a) European Community Whole Vehicle Type Approval;

b) European Community Small Series Type Approval;

c) National Small Series Type Approval;

d) Individual Single Vehicle Approval; or

18. The seat type and layout of any vehicles licensed to carry 5 or more passengers shall not be altered or amended in any way from that which subsisted on the date of issue of this Licence without the written consent of the Council.

19. The glazing of any vehicle submitted for licensing as a hackney carriage vehicle must have a light transmittance as detailed in the Statement of Private Hire and Hackney Carriage Licensing Policy.

Appendix 9

Schedule of Conditions attached to Private Hire Vehicle Licences

1. In these conditions unless the subject or context otherwise requires 'the Proprietor' means the holder of a Private Hire Vehicle Licence 'the Council' means Sunderland City Council, 'Licence' means a Private Hire Vehicle Licence issued by the Council.

a) The Proprietor shall cause the number of the Licence granted to him in respect of the vehicle to be legibly marked on the outside of the vehicle on a plate affixed thereto, such plate to be of the colour, size and shape and in such position as determined by the Council
b) The Proprietor shall not willfully or negligently cause or suffer the Licence plates attached in pursuance of this Condition to be concealed from public view or to be so defaced that any figure or material particular is illegible.
c) Subject to condition 2 (d) below the operator/proprietor shall not attach or affix or cause to be attached or affixed to a vehicle any sign or mark other than required by condition 2(a) and **ANY** of the following, namely:-

i) A sign fitted to the roof of the vehicle, positioned in the center of the roof of the vehicle, such sign measuring a minimum of 12.7cm (5in) in height and 30.5cm (12in) in width and a maximum of 17.8cm (7in), in height and 45.7cm (18in) in width, bearing the words indicating the operating company name or trading name. Additionally, below this name, the words “PRIVATE ONLY” shall be shown to the front and rear of the sign. The letters of the words and any numbers must be of a minimum height of 2.54cm (1in) and a maximum of 5.1cm (2in).

ii) Such sign shall be white, with black lettering, and shall not carry the words “TAXI(S)” or “CAB(S)” or any other word which in the opinion of the Council implies the vehicle is a hackney carriage. The sign referred to in this section **may** bear the telephone number of the operating company. The telephone number, if affixed to the sign, must be above the operating company name or trading name. The letters and numbers must be marked by means of adhesive insignia. The sign referred to in this section **may** be capable of illumination.

Any illumination of such sign shall be controlled by a switch independent of the vehicles other lighting systems or controlled by the ignition system in a way which ensures that when the ignition is on the roof sign switches off. The sign shall only be illuminated when the vehicle is stationary at, or as near as practicable to a pre-arranged point of pick-up.

OR

iii) A display on or affixed within the upper panel of the rear nearside and rear offside passenger doors of the vehicle (and the wheelchair access doors on wheelchair accessible vehicles, if desired) not

exceeding a size of 38.1cm (15 inches) in height and 61cm (24 inches) in width bearing words and figures indicating the trading name of the operator and in characters not less than 7.6cm (3 inches) in height, the words "BY PRIOR BOOKING ONLY" and with no reference to the words TAXI(S) or CAB(S) or any other word which in the opinion of the Council implies that the vehicle is a hackney carriage. The display referred to in this section may show a telephone number of the operator or other means of contacting the operator. Wheelchair accessible vehicles shall bear a reference to that facility in any such door display.

OR

iv) Signs not exceeding 7cm 6mm (3 inches) in height displayed in the top sections of the windscreen and rear window bearing the trading name of the operator, provided that the signs shall not be so positioned or of such a length as to contravene the Road Traffic Acts or Regulations made thereunder and:-

shall not carry the word TAXI(S) or CAB(S) or any other word which in the opinion of the Council implies that the vehicle is a hackney carriage and shall not illuminate in any way. The signs referred to in this section may show a telephone number of the operator or other means of contacting the operator.

d) The Proprietor may attach, affix or cause to be attached or affixed to the vehicle, an advertisement or advertisements provided that before so doing the proprietor shall obtain the approval of the Council to each advertisement."

2. A Proprietor shall ensure with regard to the vehicle to which his Licence relates:-

(a) that the vehicle is provided with sufficient means by which any person in the vehicle may communicate with the driver and that such means of communication is maintained;

(b) that the vehicle is maintained in a clean, comfortable, safe, watertight and mechanically sound condition;

(c) that the vehicle is provided with adequate means for securing luggage.

3. The Proprietor of a vehicle which is fitted with a taximeter shall ensure that such taximeter is constructed, attached and maintained as to comply with the following requirements:-

(a) the taximeter shall be so constructed that it is not possible for any person manually to alter the tariff rate without breaking the seals affixed thereto;

(b) the taximeter shall be fitted with a key, flag or other device (such

as a digital or calendar control), the operation of which will bring the machinery of the taximeter into action and cause the word 'hired' to appear on the face of the taximeter;

(c) 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;

(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 when in use all letter and figures on the face thereof shall be at all times plainly visible to any person being conveyed in the vehicle and for that purpose the letters and figures shall when in use be suitably illuminated during any period of hiring and the switch for operating the light providing the said illumination shall be incorporated in and operated in conjunction with the key, flag, or other device which brings the machinery of the taximeter into action and no other method of operating the said light shall be employed;

(f) The taximeter and all the fittings thereon shall be so affixed to the vehicle 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.

4. Where a taximeter is used to record the fare for hiring the Proprietor shall:-

(a) cause a table indicating the fare scale governing such hiring to be fixed upon the vehicle in such a position and manner that the letters and figures of such table are distinctly and plainly visible to any person being conveyed in such vehicle;
(b) not wilfully or negligently cause or suffer the table required by Condition 5(a) to be inverted or detached or altered or the letters or figures on such table to be in any manner or by any means concealed at any time.
(c) there shall be recorded on the face of the taximeter, in figures clearly legible and free from ambiguity, the fare which the Proprietor or driver is entitled to demand and take for the hire or the carriage by distance;
(d) The Proprietor of a vehicle who displays in his vehicle during or at the commencement of hiring a table of fares shall not require for such hiring a fare greater than that authorised by the table of fares

5. The Proprietor shall ensure that every driver employed by him holds a Licence to Drive Private Hire Vehicle's and shall ensure that such driver is acquainted with, understands and observes the conditions attached to their Licence and the statutory provisions relating to such Licence.

6. The Proprietor shall at all times during the duration of the licence ensure a policy of insurance is held, for hire or reward by prior booking and complying

with the Road Traffic Acts and any amendments thereto.

7. The Proprietor shall not accept a booking for a vehicle to convey any greater number of persons than the number of persons which the vehicle is licensed to convey.

8. The Proprietor shall regularly search his vehicle for any property which may have been accidentally left therein.

9. The Proprietor shall, if any property accidentally left therein by any person who may have been conveyed in the vehicle be found by or handed to them must 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 their local police station and leave it in the custody of an Officer on their provision of a receipt for it;

10. The Proprietor shall at the request of an authorised officer produce:

    (a) his vehicle registration document

    (b) a valid insurance document

    at the offices of the Council's Licensing Section within seven days of the request.

11. A Proprietor shall inform the Licensing Section in writing within one calendar month after changing his/her address.

12. The Proprietor shall not while driving or in charge of the vehicle:-

    (a) Tout, solicit on a road or other public place any person to hire or to be carried in any Private Hire Vehicle; or

    (b) Cause or procure any other person to tout or solicit on a road or public place any person to hire or to be carried in any Private Hire Vehicle; or

    (c) Offer the vehicle for immediate hire while the vehicle is on a road or other public place.

13. The Proprietor shall within 48 hours disclose to the Council's Licensing Section in writing details of any conviction or any offence(s). The Council will then decide whether the licence should be suspended or revoked, having regard to the offence(s).

14. No vehicle will be accepted for licensing by the Council as a private hire vehicle unless it has been certified by either the Vehicle Certification Agency or the Vehicle and Operator Services Agency as meeting the requirements of:

    (a) European Community Whole Vehicle Type Approval;

    (b) European Community Small Series Type Approval;

(c) National Small Series Type Approval; or

(d) Individual Single Vehicle Approval;

15. The seat type and layout of any vehicles licensed to carry 5 or more passengers shall not be altered or amended in any way from that which subsisted on the date of issue of this licence without the written consent of the Council.

16. The glazing of any vehicle submitted for licensing as a private hire vehicle must have a light transmittance as detailed in the **Statement of Private Hire and Hackney Carriage Licensing Policy -**

Appendix 10

Additional Policy and Standard Conditions for Limousines, Novelty Vehicles and Executive Hire

Except where stated otherwise, these conditions are in addition to the standard Private Hire Vehicle conditions

For the purposes of licensing by the Council a limousine is described as a luxurious vehicle that has been stretched by the insertion of an additional section not exceeding 3048 millimetres, (120 inches), to extend the length of the vehicle. The vehicle shall be capable of carrying up to, (but not exceeding), eight seated. passengers. Each passenger seating area will be at least 40cm wide.

The nature of limousines is such that they are unlikely that they will comply with the Council's age policy and will therefore be deemed to be exempt from the policy.

Consideration will be given to the licensing of "novelty" vehicles, (such as fire engines), on an individual basis.

Applications for exemptions from standard conditions will be considered in respect of executive, chauffeur driven vehicles.

Documentation :

The following documentation in original form, or certified copies are required to be produced prior to licensing, :-

(a) Completed importation documentation – Single Vehicle Approval (SVA);
(b) A Qualified Vehicle Modifier certificate – (QVM). This is issued by the Coach Builder;
(c) DVLA registration document (V5);
(d) Insurance documents covering Hire and Reward, Public Liability Insurance and, where drivers other than the proprietor are used, Employer Liability Insurance;
(e) Vehicle test certificate (inspection carried out and certificate issued by the Council's in-house testing station)
(f) Vehicles converted to run on LPG must produce an installation certificate from a LPGA approved UK vehicle conversion company; and
(g) Documentation to show the overall weight of the vehicle (as displayed on the vehicle log book)

Conditions for Limousines and Novelty Vehicles:

1. The proprietor will ensure that the vehicle is of a type approved by the Council, :-

(a) The maximum length of the vehicle “stretch” shall not exceed 120 inches 305cm);
(b) The vehicle should be equipped with a minimum of four road wheels and one full sized spare wheel. The tyres shall be of an approved rating as specified by the manufacturer ie., 235/75R 15 108S (BF Goodrich Extra Load, or equivalent). Vehicles produced since 1998 should be fitted with 225/70R 16 107T (Reinforced);
(c) In addition, tyres on the same axle must be of the same nominal size and aspect ratio;
(d) The front windscreen shall allow 75% light transmittance and the front driver and passenger windows shall allow 70% light transmittance. (Construction 7 Use Regulations 1986);
(e) No self-adhesive material, (tinted, or clear), to be affixed to any part of the glass without the prior written approval of the Council;
(f) The interior of the vehicle must be kept wind and watertight;
(g) No passengers may be transported whilst being seated in the front of the vehicle;
(h) Passenger seating is not required to be front, or rear facing;
(i) The seats in the passenger compartment must be kept properly cushioned and covered;
(j) The floor in the passenger compartment must be provided with a proper carpet, mat, or other suitable covering;
(k) There must be adequate internal light to enable passengers to enter and leave the vehicle safely;
(l) The internal fittings and furniture of the limousine must be kept in a clean, well-maintained condition and in every way fit and safe for public use;
(m) Facilities must be provided for the conveyance of luggage safely and protected from inclement weather;
(n) The vehicle must have at least two doors for use of persons conveyed in limousine and a separate means of ingress and egress for the driver;
(o) The exterior of the limousine must be kept in a clean condition especially during inclement weather; and
(p) Facilities must be provided to ensure that any person travelling in the limousine can communicate with the driver.

2. Exemption Notice – Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976 :

The Council will issue a written notice that exempts the vehicle from having to display identification plate(s). This notice must be carried in the vehicle at all times

and be available for inspection on request by an Authorised Council Officer, or a Police Officer.

3. Licence Plates

The proprietor of a limousine or novelty vehicle will ensure the identification plate(s) is maintained and kept in such condition so that the information contained on the identification plate is clearly visible at all times.

The identification plate shall remain the property of the Council at all times and shall be carried in the limousine so as to be easily removed or inspected by an Authorised Council Officer, or Police Officer.

4. Passengers

(a) The limousine or novelty vehicle will not carry a greater number of passengers than the number prescribed in the licence. For the avoidance of any doubt, a baby being carried in the arms of a passenger is regarded as being a passenger.
(b) Where the passengers in the vehicle consist of persons under the age of 18 years they must be accompanied by a responsible adult, other than the driver, who is over the age of 18 years and is not connected to the driver. The driver may not perform this role.
(c) All passengers must remain seated at all times when the vehicle is in motion.

In accordance with Construction and Use Regulations, where seat belts are fitted, they must be used by all passengers.

5. Uniform :

The proprietor will ensure that the driver of the vehicle will be appropriately dressed in a chauffeur's uniform, or "business type" suit when the vehicle is being hired.

6. Material Change :

The Proprietor will notify the Council immediately in writing if there is any material change in the nature of the use of the vehicle during the period of exemption. Please email licensing@sunderland.gov.uk

Conditions for Executive Vehicles

Where a vehicle is licensed as a private hire vehicle in accordance with Section 48 of the Local Government (Miscellaneous Provisions) Act 1976, but that it is a Condition of the Private Hire Vehicle Licence that the Vehicle be exclusively used for "executive use", as opposed to what is reasonably understood to constitute "normal private hire use"; The following conditions will apply ;

1. The proprietor of the vehicle must make available for inspection, and the provision of copies, if so requested, within 24 hours of receipt of such a request, contract specifications and / or evidence of all contract and account customers, (including usage), to demonstrate that the Vehicle is being exclusively used for "executive use", as opposed to what is reasonably understood to constitute "normal private hire use";

2. That the vehicle be exempt from complying with the councils Tinted Glass Policy as detailed in Section **E16** "Tinted Glass" of the Policy which states ;

(a) The windscreen is to have a minimum light transmission of 75%;
(b) All other front windows are required to have a minimum of 70% light transmission;
(c) All rear windows are required to have a minimum of 35% light transmission unless the below criterion can be met where there will be no minimum light transmission.

3. The Vehicle must not be used in any contract, or provision for the carriage of any unaccompanied school children, or the carriage of any unaccompanied child / children, or young person(s) that are under age 18 years of age at the date of such carriage

4. The vehicle will be exempt from conditions requiring the use of a roof sign and the overall appearance of the vehicle both externally and internally must be that of an unlicensed private vehicle at all times.

5. The Exemption Notice is granted subject to the licensed private hire vehicle being operated in accordance with standard conditions and any additional conditions.

6. Failure to comply with the Conditions would be a breach, which could lead to Section 60 of the 1976 being applied in respect of the Vehicle. Here, the Council would have a discretion to revoke, or refuse to renew a Private Hire Vehicle Licence on the grounds specified in Section 60(1). One of the grounds is a catch-all provision : "any other reasonable grounds". For example, if the Vehicle was to be used for what is reasonably understood to constitute "normal private hire use", as opposed to it being engaged exclusively for

"executive use", then that would be a breach of the Condition authorising the Vehicle to be exclusively used for "executive use", as opposed to what is reasonably understood to constitute "normal private hire use". This could lead to a suspension, or revocation of the Vehicle's Private Hire Vehicle Licence

7. The private hire operator, proprietor and driver operating under the provisions of an executive Exemption Notice, remain subject to the requirements of the 1976 Act with regard to the respective licences and the conditions attached in each case.

Appendix 11

Private Hire Operator's Licence Conditions

1. Booking Records

The records required to be kept by the operator under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 must be kept in a suitable book, the pages of which are numbered consecutively, or other durable recording format and the operator will enter, or cause to be entered therein before the commencement of each journey the following particulars of every booking of a private hire vehicle invited or accepted by him, (including where a booking is sub-contracted, whether the vehicle that is used is licensed under Section 48 of the 1976 Act, or is licensed as a hackney carriage under Section 37 of the Town Police Clauses Act 1847), :-

(a) Name of the hirer / passenger;

(b) Date and time of the hiring;

(c) Agreed date and time of the pick-up

(d) Pick-up point;

(e) Destination;

(f) Name, or unique callsign of the driver allocated to the booking;

(g) The driver's licence number;

(h) Vehicle registration number of the vehicle;

(I) Name of any individual that responded to the booking request;

(j) Name of any individual that dispatched the vehicle; and

(k) Remarks, (including details of any booking sub-contracted to another private hire operator).

2. Vehicle Records

The operator will also keep records of the particulars of all vehicles operated, or used by them, (whether licensed under Section 48 of the Local Government (Miscellaneous Provisions) Act 1976, or under Section 37 of the Town Police Clauses Act 1847 which particulars will include details of the proprietors, registration numbers, licence number and drivers of such vehicles, together with any radio call sign used.

3. Staff Records

a) The operator must have a clear policy that sets out the criteria to be applied when employing members of staff responsible for the booking and/or dispatch of vehicles who have previous convictions.
b) The operator will keep records of all desk clerks employed by them, including their name, date of birth and home address. A daily record must be kept of the time worked by each clerk. The desk clerk will sign the booking sheet at the

start of each duty, or in the case of computerised booking systems the log on, at the start of each duty.

c) The operator must maintain and keep up to date a register of all staff who take bookings and / or dispatch vehicles to fulfil bookings.
d) The operator must ensure that a Basic DBS check has been conducted and a Basic DBS Certificate obtained in respect of any individual added to the register of staff
e) The operator must maintain a register confirming that they have had sight of a Basic DBS Certificate in respect of all individuals employed as booking and dispatch staff and that this is compatible with their policy on employing those with previous convictions.
f) All records which are required to be kept by the operator will be preserved for a period of not less than one year following the date of the last entry.
g) All records which are required to be kept under the conditions of licence must be made available upon request to an Authorised Council Officer, or Police Officer.
h) The operator must not dispatch a driver who is a licensed Passenger Carrying Vehicle driver and use a Public Service Vehicle, (such as a minibus), to fulfil a booking without the informed consent of the person making the booking. The operator must be able to evidence that such consent was given by the passenger prior to the picking up of the passenger.

4. Standard of Service :

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

a) Ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle will, unless delayed, or prevented by sufficient cause, punctually attend at that appointed time and place;
b) Keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting;
c) Ensure that any waiting area provided by the operator has adequate seating facilities; and
d) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.

5. Complaints :

(a) The operator must keep a record of any complaints received concerning a contract for hire, or purported contract for hire relating to, or arising from their business and the action that the operator proposes to take. These details are required to be kept on file for a period of no less than 12 months.
(b) The operator will notify the Council in writing within seven days of any complaints concerning a contract for hire, or purported contract for hire relating to, or arising from their business and of the action, (if any), which the operator has taken or proposes to take in respect thereof. Please contact us using licensing@sunderland.gov.uk

6. Change of Address :

The operator will notify the Council in writing of any change of their home address during the period of the licence within seven days of such change taking place. Please contact us using licensing@sunderland.gov.uk

7. Convictions, Cautions, Community Resolution or On-Going Investigations :

(a) The operator will within 48 hours disclose to the Council in writing details of any conviction, caution, or community resolution imposed on them, (or, if the operator is a company, of any of its directors), during the period of the licence.
(b) The operator will within seven days disclose to the Council in writing of any on-going Police, (or other authority), investigation in respect of them (or, if the operator is a company, of any of its directors). Please contact us using licensing@sunderland.gov.uk

8. Operator's Licence :

(a) Operators will operate wholly from those premises specified in the licence and situated within the boundaries of the City of Sunderland.
(b) The operator is required to display the Operator's Licence issued by the Council in a conspicuous position at the licensed premises.

9. Special Conditions Relating to Portacabins :

(a) The operator will provide and maintain hot and cold running water and wash hand basin facilities, which will be permanently connected to the main sewage system.
(b) The operator will provide and maintain toilet facilities which are to be permanently connected to the main sewerage system.

10 Statement of Private Hire and Hackney Carriage Licensing Policy :

Operators are required to read the Council's Statement of Private Hire and Hackney Carriage Licensing Policy and act in accordance with it as it applies to them.

11 Renewal of Licence

An operator must apply to renew a licence in good time, but in any event at least 14 days prior to the expiry date of their existing licence. This must include the provision of the continuation of public liability insurance, as well as planning permission.