



HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

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1. INTRODUCTION

Burnley Borough Council is the licensing authority for the Hackney Carriage and Private Hire trades within the Borough.

The Town Police Clauses Act 1847 regulates the licensing of Hackney Carriages and for Private Hire (outside London) The Local Government (Miscellaneous Provisions) Act 1976, as amended ('the 1976 Act') gives Burnley Borough Council ('The Council'), as the Licensing Authority, the duty to carry out its licensing functions in respect of the hackney carriage and private hire trades ("taxi trade").

This policy sets out the application requirements and standards that must be met by the Hackney Carriage and Private Hire trade licensed by Burnley Borough Council. When carrying out its regulatory functions, the Council will have regard to this policy. Each application or enforcement measure will be considered on its own merits however where it is necessary to depart substantially from the policy, clear and compelling reasons will be given.

Applicants for licences and existing licence holders are particularly encouraged to read the contents carefully. Where the term applicant is used it refers to new and renewal licence applicants and existing licence holders where applicable

This policy will be used by officers and Councillors to provide a framework against which decisions are made in respect of licensing matters. It will be used to determine whether applications are valid, and if so, assist in determining whether those applications should be granted or refused and whether existing licences should be reviewed. It will also be used to determine whether any and, if so, what form of enforcement action should be taken against licence holders, and non-licence holders.

The Council will keep this policy under review and will, where appropriate, consult on any proposed revisions.

This policy supersedes all existing policies in relation to Hackney Carriage and Private Hire licensing.

2. OBJECTIVES

Hackney carriages and private hire vehicles play a vital role within an integrated transport system. They provide services in situations where other forms of transport are either not available (rural areas and the late-night economy) or for persons with mobility difficulties. The Authority shall seek to promote the following objectives:

- Public Safety
- Safeguarding of children and vulnerable adults
- The prevention of crime and disorder
- The safety, health and welfare of drivers
- Vehicle safety, comfort, and access
- Provision of a quality service to the public

The Council aims to ensure that the Hackney Carriage and Private Hire services offered within the Borough are of the highest standard. It is the Authority's wish to facilitate well-run and responsible businesses, which display sensitivity to the expectations and needs of the public. Application and enforcement procedures are designed to ensure these standards are maintained, monitored for compliance, and appropriately enforced where necessary.

This policy assists the Council in fulfilling its duties under the Children Act 2004 to make arrangements to ensure that its functions are discharged having regard to the need to safeguard and promote the welfare of children.

3. GENERAL MATTERS

3.1 Delegations

Part 3 of the Council's Constitution details the Scheme of delegation for taxi licensing functions. The Licensing Committee has the authority to discharge non-executive regulatory functions with respect to Hackney Carriage and Private Hire licensing. The Taxi Sub-Committee is further delegated to determine specified applications, suspensions, and revocations.

The Head of Legal and Democratic Services has delegated powers to grant licences in line with policy, and further delegations in specific circumstances to refuse, suspend and revoke licences. These delegations can be further delegated to authorised officers.

3.2 Partnership Working

The Council will work in partnership with the following agencies to promote the policy objectives: -

- Local Hackney Carriage and Private Hire trades
- Private Hire and Hackney Carriage trade associations
- Lancashire Constabulary
- Local Residents
- Driver and Vehicle Standards Agency (formally VOSA)
- DVLA
- HM Revenues and Customs
- UK Border Agency
- Lancashire County Council
- Other licensing authorities
- NAFN

3.3 Sharing Information

The Licensing Service will lawfully share with other departments or regulatory bodies information supplied by applicants or acquired while exercising licensing functions, where this is necessary for the detection or prevention of crime, or required by law, or in connection with legal proceedings. Where applicable, it will be via information sharing protocol. Personal information will only be disclosed in accordance with Data Protection legislation.

National Register of Taxi/Private Hire Licence Refusals, Revocations & Suspensions (NR3S).

The Licensing Authority provides information to the [National Register of Taxi Licence Refusals, Revocation and Suspensions \(NR3S\)](#), a mechanism for licensing authorities to share details of individuals who have had a Hackney/ Private Hire driver's licence revoked or suspended or an application refused. This is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the licensing authority – that is, assessing whether an individual is a fit and proper person to hold a Hackney/Private Hire driver's licence. Information is shared in accordance with the policy at Appendix 24).

Where a Hackney/ Private Hire Driver's Licence is revoked or suspended, or an application for one refused, the authority will automatically record this decision on NR3S.

All applications for a new licence or a licence renewal will automatically be checked on NR3S. If a search of NR3S indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3S search will only be used in respect of the specific licence application and will not be retained beyond the determination of that application. The information recorded on NR3S itself will be limited to:

- Name
- Date of birth
- Addresses and contact details
- National insurance number
- Driving licence number
- Decision taken
- The date of the decision
- The date the decision was effective from

Information will be retained on NR3S for a period of 11 years.

This is a mandatory part of applying for and or being granted a Hackney/ Private Hire Driver's Licence. Information will be processed in accordance with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR). Any searches, provision or receipt of information of or under NR3S are necessary to the authority's statutory licensing functions of ensuring that all drivers are fit and proper to hold the applicable licence. It is not intended that any NR3S data will be transferred out of the United Kingdom.

Any person wishing to raise an issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the GDPR, can do so to the authority's Data Protection Officer, The Town Hall, Manchester Road, Burnley BB11 9SY. This includes submitting a subject access request form. Please visit our [website](#) for the most up to date link.

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

3.4 Enforcement

Licensing officers will monitor compliance by a number of methods including inspections and visits, targeted interventions, use of town centre CCTV, Body Worn Cameras, and complaint investigations.

Any enforcement will be undertaken in accordance with the Appendix 23 the [Enforcement Protocol](#).

3.5 Applications

Applications must be submitted to include evidence that all pre-application requirements are met. Incomplete applications will not be accepted.

It is important that completed applications are submitted in good time to avoid any licence expiring prior to the licence renewal being determined. It is recommended that applications are submitted at least 2 weeks prior to the expiry of the previous licence

If during the processing of an application it becomes apparent that an applicant has failed to comply with any requirement of the application process or has failed to comply with the requirements associated with a previous licence, for example a failure to declare convictions this is likely to delay the determination of the renewal application.

3.6 Appeals

Where Burnley Borough Council decide to refuse, suspend or revoke a licence a notice giving reasons for the decision will be provided as soon as possible and in any event within 14 days of the decision.

In these circumstances, there is a right of appeal to the Magistrates' Court within 21 days of the decision being notified.

In the case of refusal to grant a Hackney Carriage Vehicle (Proprietors) Licence, appeal will be to the Crown Court.

4. VEHICLES

The Licensing Authority has differing vehicle specifications for hackney carriage and private hire vehicles, including private hire vehicles adapted to be able to carry passengers travelling in wheelchairs.

As with driver and operator licensing requirements, the objective of vehicle licensing is to protect the public, who trust that the vehicles dispatched and hired are, above all else, safe. **The vehicle licence holder is responsible for ensuring that the vehicle is well maintained, safe and roadworthy at all times the vehicle is licensed. Regular vehicle maintenance is essential. Some vehicle defects for example illegal tyre tread depth, brake defects or multiple light failures are all examples of poor or inadequate maintenance. The vehicle licence holder remains responsible for these matters even if she / he does not drive the vehicle.**

Where defects due to poor maintenance or serious safety concerns are identified either during compliance testing or at vehicle spot checks, it is likely to result in formal consideration of whether the licence holder remains a safe and suitable person to hold a licence. Furthermore, where dangerous faults are identified on an MOT and marked with do not drive, the mileage on any subsequent MOT is expected to demonstrate that the vehicle has not been driven any significant mileage between initial tests and subsequent retest.

The vehicle licence holder must take reasonable steps to ensure that the vehicle is not used for illegal or illicit purpose. The Authority will only issue vehicle licences to persons it considers safe and suitable to hold such licences, as such it will have regard to the conduct of the licence holder.

Although some vehicle licence holders may not drive their licensed vehicle (and if they are they will be subject to their own fitness and proprietary test to obtain a driver's licence) they clearly have an interest in the use of the vehicle. They will be responsible for the maintenance of the vehicle. Vehicles that are not properly maintained have a clear impact on public safety. Licensed vehicles are used to transport people in many circumstances and are seen everywhere across the UK at all times of the day and night in any location. Therefore, they could provide a transportation system for illegal activities or any form of contraband, whether that is drugs, guns, illicit alcohol or tobacco, or people who are involved in or are the victims of illegal activity, or children who may be at risk of being, or are being, abused or exploited.

The Licensing Authority will use the following test in considering the fitness and propriety of an applicant for a vehicle licence:

“Without prejudice, and based on the information before you, would you allow this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be satisfied that they would not allow it to be used for criminal or other unacceptable purposes, and be confident that they would maintain it to an acceptable standard throughout the period of the licence.”

If on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence. Applicants or licence holders will not be given the benefit of doubt. It is useful to note that the threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and the Authority can take into consideration conduct that has not resulted in a criminal conviction.

Applicants who are not holders of a current private hire or hackney carriage drivers licence will need to produce a valid basic DBS disclosure. The Basic disclosure should be issued within 12 months of the date of the completed vehicle licence application being submitted. An authorised officer of the Authority will consider information detailed on the DBS disclosure against the Authority's Guidelines and the information together with any other relevant information from the applicant and other agencies will be considered when the application is determined.

Vehicles for 9 or more passengers require PSV licence [PSV \(Public Service Vehicle\) operator licences: Overview - GOV.UK \(www.gov.uk\)](#)

4.1 Private Hire Vehicles

Private Hire vehicles are licensed to carry a specified number of passengers, up to a maximum of 8 passengers. They must be booked in advance by the customer, in person or via telephone or their app and cannot be hailed in the street or stand at a rank.

All private hire vehicle licences issued by the Council are subject to [Private Hire Vehicle Licence Conditions](#)

[Guidance on how to apply for a Private Hire Vehicle licence,](#)

4.2 Hackney Carriages

Hackney Carriage vehicles are licensed to carry a specified number of passengers, up to a maximum of 8 passengers.

Hackney Carriage vehicles may be used to ply for hire in the street, at ranks or stands and may take bookings over the telephone or via the company's on-line App.

Only certain vehicle types are permitted on the fleet. Before a vehicle type is approved the manufacturer or applicant must normally satisfy the Council that the vehicle meets the criteria set out in the [Hackney Carriage Conditions of Fitness](#) (CoF). At appendix 17

- All hackney carriages must be wheelchair accessible taxis and are expected to conform to the council's conditions of fitness.

Applications for a hackney carriage vehicle licence that does not meet all the conditions of fitness will be referred to the Licensing Committee for determination. In the event of the Committee granting a hackney carriage vehicle licence in respect of a vehicle that doesn't meet all the conditions of fitness, details of the make and model will be added to the permitted vehicles list.

Hackney Carriage Vehicles licensed by the Council are subject to the Hackney Carriage Conditions and the [Hackney Carriage Bye-Laws](#). At Appendix 3.

[Guidance on how to apply for a vehicle licence](#). At Appendix 6

4.3 Exemptions from Control

The 1976 Act exempt the following vehicles from control under the Act:

- Vehicles while being used in conjunction with a funeral or used wholly or mainly for the purpose of funerals by a funeral director and
- Vehicles while being used in connection with a wedding

4.4 Limitations of Numbers

Burnley Borough Council does not limit the number of Hackney Carriages licensed.

No powers exist for licensing authorities to limit the number of Private Hire vehicles they licence.

4.5 Vehicle Age Limits

Burnley Council has set [age limits](#) **detailed within Appendix 5 which are applied to Hackney Carriages and Private Hire vehicles.**

4.6 Duration of Vehicle Licences

Hackney Carriage and Private Hire vehicle licences will be issued for differing periods dependent upon the age of the vehicle at the time a completed licence application is submitted:

Licence applications relating to vehicles less than 3 years of age will be issued with an annual licence.

Licence applications relating to vehicles above 3 years of age, but less than 8 years of age will be issued with a 6 monthly licence.

Licence applications relating to vehicles 8 years of age and over will be issued with a 4 monthly licence.

(vehicle age is determined by the date of vehicle first registration).

As part of the vehicle licence application a satisfactory vehicle compliance certificate must be submitted. The vehicle compliance certificate must be dated within 1 calendar month of the date the completed application is received, in relation to a renewal application within 1 calendar month prior to the expiry of the current licence.

A compliance certificate comprises two separate documents, firstly a formal MOT pass certificate which is provided to acknowledge satisfactory compliance with the DVSA MOT standard and secondly a compliance certificate which demonstrates compliance with the council's supplementary test manual (attached at Appendix 4). The compliance certificate must document the MOT test number that corresponds to the compliance test undertaken.

Licensed Hackney Carriage and private hire vehicles must have a valid MOT at all times.

Testing will be carried out at one of the Council's [approved testing stations](#). Detailed at Appendix 7.

In addition to the standard MOT requirements, the Council must also be satisfied that any vehicle licensed is safe and fit for purpose. All vehicles must therefore comply with the Council's [Supplementary Testing Manual](#). Found at Appendix 4.

The test must be undertaken within 1 calendar month prior to the expiry of the existing licence. When submitting a vehicle licence application all the relevant original documents i.e. vehicle licence application form signed and stamped by the proprietor/operator, compliance certificate, insurance document, V5 Registration document, DBS certificate (where applicable) must be presented together with confirmation of licence fee payment. Photocopies or images of documents will not be accepted.

On application and renewal, MOT status will be verified, standards assessed, and vehicles will be checked for manufacturing recalls using <https://www.gov.uk/check-mot->

[history](#). Vehicles will need to have a current MOT and had any recall issues rectified before a licence is issued.

4.7 Individual Vehicle Approval (IVA)

To be satisfied of the safety of vehicles which have been converted after registration an Individual Vehicle Approval will be required. A certificate of conformity will normally be made available by the organisation that has carried out the conversion. This should be made available at each licence application.

The vehicles which require IVA approval are those defined as an N1 category – a van or minibus on the V5 document. Once the vehicle is registered, if there are any alterations to modify a van to a passenger vehicle (M1 category), then IVA approval needs to be submitted at the time of application.

Similarly for any M1 category vehicle that undergoes adaptation post registration then IVA certification will be required, most commonly this will be in respect of changes to the layout of a vehicle, but it can include other adaptations.

For further information on how to obtain a certificate please visit:

<https://www.gov.uk/vehicle-approval/individual-vehicle-approval>

4.8 Insurance

Hackney Carriage and Private Hire vehicle proprietors must ensure that [appropriate insurance](#) is always in force whilst the vehicle is licensed. Any failure to ensure that a vehicle is not adequately insured for public hire/private hire will result in the immediate suspension of the vehicle licence.

4.9 Passenger Numbers

Hackney Carriage and Private Hire licences will normally be issued for the carriage of between 4 and 8 passengers in reasonable comfort and have not less than three doors through which passengers may enter and leave the vehicle conveniently, safely, and comfortably. In addition, there must be accommodation for luggage. Passenger numbers must not be exceeded under any circumstances.

4.10 Hackney Carriage Ranks

The Council has provided several designated [Hackney Carriage ranks](#) throughout the Borough and detailed at Appendix 9. In respect of any taxi rank designated using the provisions of the Local Government (Miscellaneous Provisions) Act 1976 Drivers must not leave a vehicle unattended on a rank at any time. If a rank is full, drivers must move to an available rank.

4.11 Fares

The Council is responsible for setting the Hackney Carriage tariff which is a table of the maximum fares that may be charged for a journey. Consideration for varying the Table of Fares will be given on a request received from the trade. Each Hackney Carriage must have its taximeter calibrated to the current tariff and in addition must display the [table of fares](#) provided by the Council where it can easily be read by a passenger. Calibration certificates must be produced in respect of any new hackney carriage vehicle licence application and will be requested at vehicle licence renewal following the implementation of a new table of fares. Calibration certificates should be available to authorised officers of the Council upon request.

The Council has no ability to control the fares charged by the Private Hire trade and it is for the hirer to negotiate an appropriate fee or method of charging for each journey.

4.12 Taximeters

All Hackney Carriages must be fitted with a taximeter which is sealed and maintained as to comply with the Hackney Carriage licence conditions. A private hire vehicle may be fitted with a taximeter, and it should be so constructed, attached and maintained as to comply with the Private Hire vehicle licence conditions.

4.13 Accident and Hire Car Procedure

Should a licensed Hackney Carriage or Private Hire vehicle be involved in an accident, which materially affects the safety, performance, appearance, or the comfort / convenience of persons carried in the vehicle, the holder of the vehicle licence is legally required to report the details of the accident as soon as reasonably practicable or in any event within 72 hours of the accident taking place. In order to provide evidence that the matter has been reported in accordance with legal requirements the notification should be made in writing or by email using the report form referred to below.

An accident report form is available to assist licence holders to comply with legal requirements. The form should be completed with details of the accident and emailed to

licensing@burnley.gov.uk with supporting photos. We may require to view the vehicle to assess the extent of the damage. <https://burnley.gov.uk/wp-content/uploads/2023/09/Report-an-Accident-form-2023.pdf>

Fitness of a vehicle

If the Council / Licensing Authority is not satisfied as to the fitness of the vehicle then the vehicle licence will be suspended, most commonly utilising the provisions of section 68 Local Government (Miscellaneous Provisions) Act 1976. Where the damage is clearly cosmetic as opposed to anything which materially affects the safety or comfort of people then consideration will be given to issuing a suspension notice utilising the provisions of Section 60 of the Act which has a 21-day period prior to taking effect.

If the suspension notice has been issued under the provisions of section 68 of the above-mentioned Act and on the expiry of a 2-month period, officers still cannot be satisfied as to the fitness of the vehicle, the vehicle licence will be automatically revoked, and a right of appeal ensues.

The suspension notice will indicate whether the vehicle requires a full retest or not for the suspension to be lifted.

If a full retest is required, the vehicle should be inspected at one of the Council [authorised testing stations](#).

If a full retest is not required, an appointment should be made with an authorised officer of the Licensing Team for the vehicle to be made available for inspection.

Where a vehicle licence is suspended or revoked, officers may serve a separate notice requiring the licence plate(s) to be returned to the Licensing office within 7 days, failure to do so is an offence for which the licence holder may be prosecuted. The licence vehicle plate(s) must be returned to the Licensing Service.

4.14 Carriage of Children

The safest way for a child to travel by car is in an appropriate car seat. It is not always possible for the correct child seat or booster to be available in a licensed vehicle. In the case of private hire bookings, the hirer is advised to clarify at the time of making the booking whether suitable child seats will be available in the vehicle and if not will be expected to make their own provision regarding child car seats.

The Highway Code, road safety and vehicle rules allow children to travel in hackney carriages or private hire vehicles without using a suitable car seat, but the following restrictions apply:

- Under 3's may travel unrestrained, but in the rear only
- Those 3 years and above must use an adult belt in the rear seat and should always count towards the licensed capacity of the vehicle.
- A child up to 135cms in a front seat of any vehicle must use the correct child seat or booster
- The driver of the vehicle is responsible for seat belt wearing by children under 14 years (except in vehicles with fixed partitions)
- Rear-facing baby seats must not be used in a seat protected by a frontal air bag unless the airbag has been deactivated manually or automatically
- Drivers are expected to comply with the highway code requirements and where passengers refuse to comply with seat belt requirements this is a legitimate reason for the driver to refuse to carry the passenger

4.15 "Written Off Vehicles"

"Written off" is a term used by insurance companies in relation to vehicles that have either sustained so much damage that it is unsafe to go back on the road or a vehicle that may be repaired so that it's still safe to drive but is beyond economical repair.

There are 4 categories of write off - Categories A, B S and N

Cat A cars are for scrap only. These cars so badly damaged they should be crushed and never re-appear on the road. Even salvageable parts must be destroyed.

Cat B cars are broken up for parts. The Body shell should be crushed. Cat B signifies extensive damage, although some parts are salvageable.

Cat S means the vehicle has suffered structural damage. This could include a bent or twisted chassis, or a crumple zone that has collapsed in a crash. Cat. S damage is more than just cosmetic, therefore, and the vehicle will need to be professionally repaired. Also, it won't be safe to drive until then.

[Cat N](#) damaged vehicles haven't sustained structural damage, so the issue may be cosmetic, or a problem with the electrics that isn't economical to repair. Non-structural faults may include brakes, steering or other safety-related parts.

The Council will consider licensing Category S and Category N write off vehicles, where the vehicles meet all other elements of Council Policy. However, as category S and Category N write offs have been repaired outside of the insurance system, the Council needs to satisfy itself as to the standard of repair carried out. The Council will therefore require at the time of first licensing an IVA (individual vehicle type approval) report from DVSA undertaken after the write off repairs have been completed.

In addition, if a V5 logbook indicates that a vehicle has been subject to Cat S or N write off during its licensed period then an updated IVA report is required prior to renewal licensing.

5. HACKNEY CARRIAGE & PRIVATE HIRE DRIVERS

It is an offence to drive a Hackney Carriage or Private Hire vehicle without the appropriate licence. Before granting a licence, the individual must satisfy the Licensing Authority that they are a fit and proper person to hold such a licence. The assessment of fitness and propriety on application is based on the information provided in the application process.

This Authority will use the following test in considering the fitness and propriety of an applicant for a licence:

Without prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?

If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence. Applicants or licence holders will not be given the benefit of doubt. It is useful to note that the threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and the Authority can take into consideration conduct that has not resulted in a criminal conviction.

The Authority is not fettered in its discretion as to what can be taken into consideration regarding the "fit and proper" test but routinely considers a person's conduct, knowledge, and awareness of issues relevant to the role of a licensed driver and medical suitability.

Driver behaviour, any change in circumstances or information coming to light after a licence is granted, may result in a formal review of the licence.

5.1 Duration of Driver's Licences

Private hire and hackney carriage driver licences are normally issued for a period of three years, with one-year licences available in special circumstances, and shorter duration licences will correspond with right to work status. Pre-application requirements relating to DBS, Medicals, HMRC, Safer Cabbying & Safeguarding matters will be required every three years where shorter duration licences have been issued (additional medical requirements apply in certain circumstances for examples drivers over the age of 65 or drivers diagnosed with certain medical conditions).

5.2 Entitlement to Drive in the UK

Applicants must be 21 years of age and have held a valid, full GB driving licence for a minimum of 12 months immediately before making their application.

Applicants can be considered from individuals who hold a full non-GB driving licence. However, this will depend on their eligibility to drive in Great Britain. The following link provides information in relation to this:

[Driving in Great Britain on a non-GB licence - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/driving-in-great-britain-on-a-non-gb-licence)

All applicants are required to authorise the Council and its approved service providers to undertake checks with the DVLA to verify the existence of any motoring convictions and restrictions on their licence.

5.3 Right to Work in the UK

All applicants must have the [right to work](#) in the UK. Verifications of this right will be undertaken by the Licensing Team with the UK Border Agency where appropriate before a hackney carriage or private hire driver's licence is granted.

5.4 HMRC check

Any driver renewing a licence or applying in Burnley after holding a licence with another authority, must provide a [HMRC code](#) which must be verified by the Licensing Authority. Any driver new to the trade must sign to indicate they are aware of the tax requirements.

5.5 Disclosure and Barring Service Checks (DBS)

Safeguarding of children and vulnerable adults is a primary goal of the Council. There is a requirement to ensure drivers are fit and proper people to hold licences.

Applicants for a Hackney Carriage or Private Hire driver licence are required to provide an enhanced DBS certificate obtained on-line through the councils approved service provider and have registered and maintained subscription to the DBS Update Service, via the DBS Update Service link. The DBS update service link is available on the Councils website.

Enhanced disclosure certificates made through other organisations will not normally be accepted.

A licence will not be issued or renewed unless there is a valid enhanced DBS check in place together with confirmation of subscription to the DBS update service. It is a mandatory requirement for drivers to sign up to the DBS Update Service and consent to the Licensing Authority conducting DBS status checks as to whether there has been any change to their status since the last disclosure certificate was issued. A licence will not be renewed unless a check for a change in status has been carried out. Licensees are expected to maintain this registration throughout the duration of their licence.

Failure to maintain subscription and registration to the DBS update service will likely result in the suspension of the hackney carriage / private hire drivers' licence until the Council / Licensing Authority is satisfied that a valid, current, satisfactory enhanced DBS is in place.

More information about the DBS can be found here:

<https://www.gov.uk/government/organisations/disclosure-and-barring-service>

<https://www.gov.uk/government/publications/dbs-update-service-applicant-guide>

The Rehabilitation of Offenders Act 1974 does not apply to applicants for a Hackney Carriage or Private Hire driver licences and applicants are required to disclose all* convictions, cautions and motoring offences, including those that would normally be regarded as spent.

*Please refer to the information below in respect of protected cautions and convictions

What is a protected conviction?

A protected conviction is one which will be filtered off a Standard and an Enhanced DBS check where the offence is not a specified offence, did not result in a custodial sentence, and occurred over 11 years ago when they were an adult at the time (or 5.5 years ago if they were under 18 at the time).

So, what is a Protected Caution?

An adult caution will become "protected" if it was issued six or more years ago, unless it is for an offence that is on the specified offences list.

All youth cautions (both simple and conditional) will be protected immediately.

If an adult caution is for an offence that appears on the specified offences list, your caution will be indefinitely disclosable on both a standard and an enhanced DBS certificate. Typical

examples of specified offences cautions are ABH, affray, child cruelty/neglect, possession of indecent images of children or sexual assault.

More information on the specified offences list can be found at [DBS filtering guide.gov.uk](https://www.dbsexpress.com/guides/dbsguide/)

Any convictions etc will be considered alongside the Council's Convictions Policy (see Appendix 12).

Where an applicant has convictions that fall outside of policy requirements a licence will normally be refused. Likewise, licensed drivers may have their licence reviewed where investigations, charges or convictions relating to relevant offences or conduct matters come to light. This may include referral to the Taxi Licensing Sub-Committee.

If you already have a licence and are looking to declare a conviction, complete the [Driver Offence Declaration Form \(burnley.gov.uk\)](https://www.burnley.gov.uk/Driver-Offence-Declaration-Form)

Certificate of Good Conduct - Where an applicant has previously spent an extended period (3 or more continuous months) living and working outside the UK, Licensing Authorities may require applicants to provide where possible criminal records information or a 'Certificate of Good Conduct' from overseas in this circumstance to properly assess risk and support the decision-making process as to whether an applicant is a fit and proper person to hold a licence.

A Certificate of Good Conduct can be obtained from the Embassy/High Commission in the country or countries in which the applicant has resided. This document must be a certified translation if the original Embassy Certificate is not in English. The document must also be current - within 3 months of the date of issue.

It is the character of the applicant as an adult that is of particular interest, therefore an extended period outside the UK before the age of 18 may be less relevant. As with all licensing decisions, each case is considered on its own merits.

However, it should be noted that some countries will not provide a 'Certificate of Good Character' unless the individual has been resident for six months or more.

For information on applying for overseas criminal record information or 'Certificates of Good Character', please use the following link:

[Criminal records checks for overseas applicants - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/topics/criminal-records)

Note: Asylum seekers who hold Home Office issued application registration documents, together with a verification letter from the Home Office's Employer Checking Service stating that the named individual is permitted to work in the UK, will be exempt from the requirement to submit a Certificate of Good Conduct.

5.6 Safeguarding and Child Sexual Exploitation (CSE) Training

The Council recognises that licensed drivers are an integral part of modern life and as such play an important role in providing a safe means of transport to all members of society.

Safeguarding is at the heart of this Policy. Procedures and practices including licence conditions and enforcement reflect the importance of safeguarding and will seek to promote the welfare of children, vulnerable people, passengers in general and licensed drivers.

Safeguarding is everyone's responsibility, any licence holder who receives information or has concerns regarding a safeguarding matter is expected to notify the Authority's licensing team. Private hire operator licence conditions have been strengthened to require operators to review complaints and develop and implement their own safeguarding policies.

Your role within our communities' places you in direct daily contact with some of the most vulnerable members of our society and as such you are ideally placed to assist all those agencies who have a statutory responsibility to safeguard vulnerable people.

To recognise the signs of Safeguarding concerns and to be able to report suspicious behaviour appropriately, all applicants for a hackney carriage or private hire driver's licence shall have completed safeguarding awareness training. A fee is payable to undertake the training. It is a mandatory pre-licence application requirement for new applicants and existing drivers at renewal to have completed the on-line training prior to submitting a licence application.

Safeguarding issues are tested via the Safer Cabbying assessment.

Failure to satisfactorily complete the training course will result in an application being rejected.

5.7 Safer Cabbying assessment

All applicants will be required to pass a 'Safer Cabbying assessment' before an application is accepted. The Council has dedicated web-pages to assist with revision materials [Safer Cabbying - burnley.gov.uk](https://www.burnley.gov.uk/safer-cabbying)

A fee is payable to undertake the test or retest. The fee is non-refundable for any applicant who does not attend the test.

The topics in the test include:

- Safeguarding of children and vulnerable persons

- Vehicle maintenance checks
- Customer care & driver behaviour
- Disability Awareness
- The Law and Conditions that apply to taxis.
- English Language

The test consists of 40 randomly generated questions taken from a pool of over 200 questions. The pass standard is 75%. A pass standard is required before applicants can apply for a new driver's licence. It is recommended that the Safeguarding course is completed prior to taking the Safer Cabbying test.

Renewal applicants will not have to re-sit the 'Safer Cabbying assessment' but will be required to attend and complete the safeguarding training before their renewal application* will be accepted.

*A renewal application relates to a completed application submitted prior to the expiry of the previous licence.

The Council may change requirements in relation to training where government advice or local circumstances deem this necessary.

The Taxi Licensing Sub-Committee may also require any licensed driver appearing before them to undertake and pass any aspect of the Safer Cabbying Assessment again outside of the initial and renewal application stages.'

5.8 Medical Fitness

The Council recognises that licensed drivers should meet more stringent medical standards than is expected of people who drive a vehicle for social, domestic and pleasure purposes. Licensed drivers are entrusted with the safety of the travelling public and may drive for much longer hours than non-professional drivers. To this end the Council requires all licensed drivers to meet the Group 2 medical standard used by the DVLA when licensing HGV and Public Service Vehicle (PSV) drivers.

Medical certificates, completed by the driver's own GP are required on first application, every 3 years and then annually once the driver reaches the age of 65. Where a driver develops a medical condition, they will be requested to visit their General Practitioner who will assess their fitness to drive the general public.

Where there is doubt as to the medical fitness of a licensed driver, including circumstances where a medical certificate has expired, the Licensing Authority reserves the right to suspend the driver's licence until such time as it can be satisfied that the driver is fit. No applicant will be issued a licence until medical fitness has been established.

The applicant's own GP should complete the Burnley Borough Council medical form. Where a GP is not providing this service to patients, an agency doctor registered with the GMC and qualified to conduct Group 2 medicals can be used, as long as the doctor has access to the full medical records of the applicant and confirms this on the medical form.

Driver licences expire on the day that the medical certificate expires. It is therefore important to have a medical as close as possible to the date the application is submitted.

5.9 Carriage of Assistance Dogs

Drivers of Hackney Carriages & Private Hire Vehicles are under a duty to carry any guide, hearing or certain other assistance dogs in their vehicles. They cannot charge extra for this. Dogs should stay on the floor of the vehicle and be under control at all times.

The term "Assistance Dog" shall mean a dog which has been trained to assist a person with a disability.

If a private hire operator/driver fails or refuses to accept a booking, they will be committing an offence and could be fined up to £1,000.

A driver who refuses to carry an assistance dog, or makes a charge for doing so, is guilty of an offence and could be fined up to £1,000.

Drivers who have a medical condition, such as severe asthma, which is aggravated by contact with dogs, can apply to the licensing authority for an exemption certificate. Any licensed driver applying for an exemption certificate will be required to provide medical evidence to support their application.

A driver who has been granted an exemption by the Licensing Authority will display their 'Notice of Exemption' on the near side of the windscreen of their vehicle. The front of the notice will have the letters 'ED' (Exemption Dogs) and will show the driver's licence number.

5.10 Carriage of Disabled Passengers with Disabilities

Hackney carriage & private hire drivers could face a fine of up to £1,000 if they refuse to transport a disabled user, without reasonable cause or if they attempt to charge more than the standard fare prices.

Where the vehicle is wheelchair accessible, taxi and private hire vehicle drivers are obliged to transport wheelchair users in their wheelchair, provide passengers with appropriate assistance, charge wheelchair users the same as non-wheelchair users, and show no discrimination against an individual with a disability.

All taxi and private hire drivers must make sure they do not discriminate against disabled people and should therefore not treat them less favourably than non-disabled customers. You should also make any 'reasonable adjustments' to your service to make the journey easier.

[Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2022/10/section/1)

<https://www.gov.uk/government/publications/access-to-taxis-and-private-hire-vehicles-for-disabled-users/access-to-taxis-and-private-hire-vehicles-for-disabled-users--2>

Drivers and operators have to help disabled passengers use their service. This could include:

- help getting in and out of the vehicle
- help finding a vehicle
- putting a mobility aid in the boot
- reading out the total on the taximeter
- explaining the route you are taking

5.11 Private Hire Driver's Conditions

All private hire driver licences are issued subject to licence conditions.

Legislation allows the Authority to attach "reasonably necessary" conditions to the grant of a private hire driver's licence. The Authority has a set of [standard conditions \(Appendix 14\)](#) that are attached to the grant of a private hire driver's licence. The Authority will include additional, specific licence conditions on the grant of a licence where it considers it reasonably necessary to do so.

5.12 Private Hire Law – [Offences Relating to Private Hire Vehicles](#)

see Appendix 15

5.13 Hackney Carriage Byelaws and Conditions

All Hackney Carriage driver licences are issued subject to the Council's Hackney Carriage Byelaws. It is an offence to fail to comply with the [byelaws](#)

5.14 Hackney Carriage Law - [Offences Relating to Hackney Carriage](#) drivers and vehicle proprietors Appendix 16

5.15 Guidance on How to Apply for a Hackney Carriage or Private Hire Driver Licence

Anyone wishing to apply should read the guidance notes by following the links below, in conjunction with the whole of this document. Burnley Council's website has a dedicated page with all the information and forms you will require.

[Conditions Relating to Private Hire Driver's Licences made under Local Government \(Miscellaneous Provisions\) Act 1976](#)

[Private Hire Law. Offences related to Private Hire Vehicles](#)

[Hackney Law. Offences relating to Hackney Carriage drivers and vehicle proprietors](#)

[Hackney Carriage – Conditions of Fitness](#)

[HMRC Tax Fact Sheet](#)

[A Guide to Hackney Carriage and Private Hire Driver's 3 Year Licence Applications](#)

Details of fees and how to pay: [Pay for your application & Sundry Items - burnley.gov.uk](#)

5.16 Surrender of driver licences

The Authority will not accept the surrender of hackney carriage or private hire driver licences. The surrender of such licences negates the notification of any criminal conduct matters and allows an individual to correctly state that a licence has not been revoked or suspended in future applications and avoids the sharing of information with other licensing authorities via NR3S. In the event of a current licence being returned to the Licensing Authority it will be regarded as being returned for the purposes of safe

keeping. The Licence will remain valid and the licence holder will be obliged to continue to comply with the requirements of the licence. The licence requirements cease when a licence is revoked, expired or during a period when the licence has been suspended.

6. PRIVATE HIRE OPERATORS

Anyone wishing to invite Private Hire bookings and dispatch a licensed vehicle and driver to fulfil those bookings must hold a Private Hire Operator's Licence. It is an offence to operate a private hire vehicle without the appropriate licence.

Private Hire Operators are responsible for ensuring that the vehicles and drivers they dispatch hold valid, appropriate licences to undertake those journeys.

Legislation requires that private hire operators are "fit and proper" but does not provide a definition as to what constitutes fit and proper. This Authority will use the following test in considering the fitness and propriety of an applicant for a vehicle licence:

"Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes".

The Licensing Authority's guidelines on the relevance of convictions and other conduct outlines the matters that will be considered together with relevant conduct issues that will be considered when determining whether a person is "fit and proper". There is no medical assessment required as part of private hire operator fit and proper considerations. Relevant financial conduct and previous business status may be a relevant consideration.

All Private Hire Operator licences are issued subject to conditions:

[Private Hire Operator Licence Applications](#)

[Private Hire Operator Pre-Licence Conditions](#)

[Private Hire Operator Conditions](#)

6.1 Disabled Passengers

Legislation is in place that makes it a legal responsibility for licensed operators and drivers to carry and assist all disabled passengers unless there is a reasonable cause not to do so. It is an offence to not comply with this requirement with fines of up to

£1,000 if a passenger with disability is refused transport, reasonable assistance, or if an attempt is made to charge more than the standard fare prices.

Hackney carriage and private hire vehicle drivers and operators are now obliged to transport wheelchair users in their wheelchair, provide passengers with appropriate assistance, charge wheelchair users the same as non-wheelchair users, and show no discrimination against an individual with a disability.

All hackney carriage and private hire drivers and operators must make sure they do not discriminate against disabled people and should not treat a disabled passenger less favourably than non-disabled customers. You should also make any 'reasonable adjustments' to your service to make the journey easier.

<https://www.gov.uk/government/publications/access-to-taxis-and-private-hire-vehicles-for-disabled-users/access-to-taxis-and-private-hire-vehicles-for-disabled-users--2>

6.2 Carriage of Assistance Dogs

It is a legal requirement that drivers of hackney carriages and private hire vehicles permit assistance dogs to be carried in the licensed vehicle without any extra charge. Assistance dogs are highly trained and will normally sit in the footwell of the vehicle immediately adjacent to their owner. The failure of a licensed driver / operator to carry a passenger (pre-booked passenger in the case of private hire) because the passenger is accompanied by an assistance dog is an offence.

The term "Assistance Dog" shall mean a dog which has been trained to assist a person with a disability.

The Authority regards the failure to carry an assistance dog as a serious matter and where sufficient evidence of the offence exists then the Authority will generally prosecute the driver and review the driver's / operator's licence.

6.3 Duration of Private Hire Operator Licence

Private Hire Operator Licences are normally issued for a period of five years; **however**, licences can be issued for a shorter period under certain circumstances examples of such circumstances would include

- The licence holders leave to remain in the UK is time limited
- The licensee has requested a shorter duration
- The licence is only required to meet a short-term demand

Licences will not be issued for probationary periods.

6.4 Applying for a Licence

Applicants are required to submit a complete application which should include the following original documents:

- Evidence of planning permission
- Public Liability Insurance
- Radio Licence (and Planning Permission for any aerial where necessary)
- Basic DBS (unless enhanced DBS already in place for the purpose of licensed driver)
- Safeguarding Awareness Training
- Tax Check Code
- Proof of Right to work in the UK
- Payment of appropriate fee

The Council recognises that Private Hire Operators and their dispatchers play an important role in providing access to a safe means of transport to all members of society.

Their role, alongside that of the licensed drivers they dispatch, places them in daily contact with some of the most vulnerable members of our society and as such they are ideally placed to assist all those agencies who have a statutory responsibility to safeguard the vulnerable. Dispatchers are required to undergo annual basic DBS checks by the operator.

Private Hire Operators are required to undertake safeguarding training, demonstrate their [right to work](#) and provide a [HMRC tax code](#) in the same way as drivers.

There is a dedicated page on our website where you can apply for an [Operators Licence](#).

6.5 Staff Training

Operators are expected to provide induction training for all drivers in order that those responsible for providing passenger transport services understand expectations. The induction programme should include vehicle checks at the commencement of each shift and the taxi modules of 'The REAL disability training programme' recommended by DfT. A copy of the vehicle checks should be kept with the vehicle for a minimum of 7 days.

Staff undertaking work for an Operator (this may be paid or unpaid) in the operation of the business, such as persons taking bookings and dispatching vehicles, should

understand the legal and practical requirements of the work they are undertaking. The Operator is expected to provide training which should be effective, and it is important that the training is undertaken prior to a person commencing the work or task.

6.6 DBS Checks for Private Hire Operators and Staff

Where a private hire operator applicant is not the holder of a Burney Borough Council hackney carriage or private hire driver's licence, they will be subject to a basic DBS disclosure. Prior to their employment, Operators are required to vet any prospective booking or despatch staff by means of a basic DBS. All operator related basic disclosures (as opposed to vehicle proprietors) are deemed to be valid for 3 years from the date of issue and should be renewed to run concurrently upon the expiry of the previous basic disclosure.

6.7 Insurance/Records

Private Hire Operators are required to provide evidence of Employer's & Public Liability Insurance for the premises to be licensed. All operators are required to keep comprehensive records. These are detailed in [Private Hire Operator Conditions](#).

The Local Government (Miscellaneous Provisions) Act 1976 section 56 requires private hire operators to keep details of private hire bookings. Licence conditions attached to private hire operator licence provides details of what should be recorded and how long these should be kept.

6.8 Premises

Where a Private Hire Operator provides premises for the public they shall be maintained in a clean and tidy condition, be adequately lit, heated and ventilated and, where a waiting area is provided, have adequate seating facilities. Booking Offices must have CCTV coverage which operates on a 90-day loop and be available for immediate inspection on request by an Authorised Officer.

7. FEES

The Council sets and regularly reviews its fees for hackney carriage and private hire licensing in line with the Government's requirements, in that fees should only cover the costs involved in the administration and regulation of licensed operators, drivers and vehicles. Current fees are published on the Council's website and can be accessed using the following link:

[Hackney carriage and private hire fees and charges - burnley.gov.uk](http://burnley.gov.uk)

8. APPENDICES

Appendix 1	Private Hire Vehicle Conditions & Requirement for Issue
Appendix 2	Hackney Carriage Vehicle Conditions
Appendix 3	Hackney Carriage Bye Laws
Appendix 4	Supplemental Testing Manual – Licensing of Hackney Carriage and Private Hire Vehicles
Appendix 5	Hackney Carriage & Private Hire Vehicle Age Limits, Permitted Vehicles & Criteria
Appendix 6	Hackney Carriage & Private Hire Vehicle - Application Guidance
Appendix 7	Approved Council Testing Stations
Appendix 8	Insurance Advice
Appendix 9	Hackney Carriage Stands
Appendix 10	Hackney Carriage Table of Fares
Appendix 11	Right to Work in the UK
Appendix 12	Policy Guidelines to Fitness & Propriety Including Convictions and other relevant information
Appendix 13	How to Pay
Appendix 14	Conditions Relating to Private Hire Driver's Licences made under Local Government (Miscellaneous Provisions) Act 1976
Appendix 15	Private Hire Law - Offences Related to Private Hire Vehicles
Appendix 16	Hackney Law -Offences relating to Hackney Carriages
Appendix 17	Hackney Carriage - Conditions of Fitness
Appendix 18	HMRC Tax Fact Sheet
Appendix 19	A Guide to Hackney Carriage and Private Hire Driver's 3 Year Licence Applications

Appendix 20	Private Hire Operator Licence Applications - How to apply.
Appendix 21	Private Hire Operator Pre-Licence Conditions
Appendix 22	Private Hire Operator Conditions
Appendix 23	Enforcement Protocol
Appendix24	NR3S Policy

Appendix 1

Private Hire Vehicle Conditions & Requirement for Issue

Local Government (Miscellaneous Provisions) Act 1976 Requirements for the Issue of a Private Hire Vehicle Licence & Conditions Relating to Private Hire Vehicle Licence

Burnley Borough Council will only accept an application to licence a private hire vehicle if the vehicle complies with the age limit criteria and meets the following specifications.

Once the vehicle is licensed it will have to conform to the conditions contained in this document which will be attached to that licence.

On application and renewal, vehicles will be checked for a valid compliance certificate. A compliance certificate comprises two separate documents, firstly a formal MOT pass certificate which is provided to acknowledge satisfactory compliance with the DVSA MOT standard and secondly a compliance certificate which demonstrates compliance with the council's supplementary test manual (attached at Appendix 4). The compliance certificate must document the MOT test number that corresponds to the compliance test undertaken. In addition, any outstanding manufacturing recalls will be checked by consulting: <https://www.gov.uk/check-mot-history>.

The vehicle compliance certificate must be dated within 1 calendar month of the date the completed application is received, in relation to a renewal application within 1 calendar month prior to the expiry of the current licence.

Licensed private hire vehicles must have a valid MOT at all times.

ALL PRIVATE HIRE VEHICLES

Shall not be a London style hackney carriage style or similar vehicle.

Shall not be a left-hand drive vehicle.

Shall not be a convertible i.e. have a soft top.

Shall have a capacity for at least four adult passengers.

Shall maintain at least two separate means of exit for all passengers seated to the rear of the driver's seat.

Shall have passenger seats that are either front or rear facing.

All seats must be positioned to ensure the comfort and safety of the passenger.

Shall be of such design to enable any person in the vehicle to communicate with the

driver.

Shall be fitted with a roof covering which can be kept watertight.

Shall contain windows and a means of opening and closing not less than one window on each side.

Shall contain seats which must be properly cushioned or covered.

Shall be constructed or adapted so as to have sufficient luggage space for the number of passengers for which it is licensed.

The vehicle must be type approved. You will be required to provide the necessary confirmation that the vehicle is approved - a V5 registration document (log book) indicating that the vehicle is M1 type approved (shown in the vehicle category at line J), or in the case of minibuses, that the vehicle was manufactured as an M2 vehicle, which is a minibus with more than 8 passenger seats, and the only modification is the removal of the rearmost seats to reduce the seating capacity. The V5 will show M2 in the Vehicle Category at line J. The V5 will need to be updated if the vehicle has been converted.

Vehicles converted from vans or imported from outside the EU will be required to have passed a VOSA Voluntary Individual Vehicle Approval (IVA) inspection.

The relevant certificate will be required before such a vehicle can be licensed.

WHEELCHAIR ACCESSIBLE VEHICLES (WAV'S)

Any vehicle that has been adapted or modified to accommodate disabled passengers shall be re-certified, after adaptation or modification, to meet the European Whole Vehicle (M1 or M2) Type Approval standard, the British National Low Volume Type (M1 or M2) Approval standard or the Voluntary Individual Single Vehicle Approval in respect of all such adaptations or modifications. The relevant certificate will be required before such a vehicle can be licensed.

Information on Individual Vehicle Approval (IVA) can be found here:

[Vehicle approval: Individual Vehicle Approval - GOV.UK \(www.gov.uk\)](https://www.gov.uk/vehicle-approval-individual-vehicle-approval)

Access to and egress from the wheelchair position must not be obstructed in any manner, at any time, except by wheelchair loading apparatus;

Wheelchair internal anchorage points and equipment must be of the manufacturer's design and construction and comply with the M1 or M2 standards as specified in European Directive 76/115 EEC (as amended by 90/629 EEC) and should be secured in such a position as to not obstruct any emergency exit when the equipment is not in use;

A suitable, separate restraint (seat belt) must be available for the occupant of the wheelchair.

Access ramps or lifts must be securely fixed to the vehicle prior to use and be able to support the weight of any wheelchair, occupant and helper.

Ramps and lifts must be securely stored in the vehicle before driving off; such devices shall have a minimum load rating of 300kg.

The vehicle shall be fitted with a locking mechanism, or other device, that holds the wheelchair access door in the open position whilst a wheelchair is being loaded or unloaded.

Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S/I 1998/2307). Any such equipment must be maintained in efficient working order so as to be available for use at all times.

Where a vehicle is manufactured or adapted to carry a wheelchair, and the vehicle has been licensed as such, the licensee (and any licensed private hire operator responsible for operating the vehicle) shall ensure that the driver of the vehicle has received sufficient training to be able to load/unload and convey wheelchair bound passengers in safety and comfort.

A sign may be affixed to the outside of the vehicle indicating that it is able to convey passengers in wheelchairs, provided that the vehicle has been manufactured or properly adapted for that purpose.

When submitted for inspection the vehicle shall be in a complete and thoroughly good condition and the engine, chassis, body, tyres, fittings, furniture and all parts must be in

good repair and order. All steering parts, engine and braking linkages must be thoroughly cleaned to enable thorough inspection.

CONDITIONS RELATING TO PRIVATE HIRE VEHICLE LICENCE MADE UNDER LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 (The Act)

REQUIREMENTS TO BE IN PLACE AT THE TIME OF THE APPLICATION TO BE MAINTAINED THROUGHOUT THE PERIOD OF THE LICENCE

1. The vehicle must not be equipped with roof fittings except a roof rack or a wireless aerial, which must be fitted in such a manner as to satisfy the Council.

2. The vehicle must be fitted with the following signs:

- (i) Rear door signs as prescribed by the Council to include plate number and insurance advice to be permanently fixed to all vehicles other than those vehicles solely used for the purpose of airport/port transfers.

- (ii) Front windscreen signs as prescribed by the Council to include the plate number

In addition, at the discretion of the vehicle licence holder, one or more signs may be fitted to the front doors or to the rear of the vehicle. Any signage to the rear must be between 5cm and 10cm in height and 1 meter in width. Signs must give only the name of the operator(s), the email(s) or website address(es) or mobile app and telephone number(s) of those operators responsible for hiring the car.

- (iii) Any further sign either to be displayed internally or externally which the Council in its absolute discretion may from time to time require.

3. There shall be no lights, plates, signs, advertisements, or other fittings (other than the signs referred to in condition 2 and the licence plate referred to in Condition 8) displayed on, in or from the vehicle, except those approved by the appropriate Secretary of State.

In addition to the above, minibuses may be sign-written and include corporate livery.

4. Any radio microphone installed in the vehicle shall be fitted in such a position that its use by the driver would not impair his control of the vehicle when it is in motion.
5. If the vehicle is fitted with a taximeter, that taximeter must be so constructed, attached and maintained to comply with the following requirements:
 - (a) the taximeter shall be fitted with a key, flag, or other device, the turning of which will bring the machinery of the taximeter into action and cause the word 'HIRED' to appear on the face of the taximeter.
 - (b) such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter.
 - (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate of fare which the proprietor or driver is entitled to demand and take from the hire of the carriage by distance.
 - (d) the word 'FARE' shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon.
 - (e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figure shall be capable of being suitably illuminated during any period of hiring.
 - (f) the taximeter shall be affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.
6. The vehicle shall contain a statement of fares to be fitted and maintained in such a position so as to be clearly visible at all times to the hirer. The statement shall clearly show the following:

- (a) the minimum charge of each hiring (if any).
- (b) the fare tariff.
- (c) the retention charge per minute or portion thereof.
- (d) any additional charges.

7. The vehicle shall:

- (a) have a capacity for at least four adult passengers
- (b)
 - (a) be of such design to enable any person in the carriage to communicate with the driver.
 - (b) be fitted with a roof covering which can be kept watertight.
 - (c) contain windows and a means of opening and closing not less than one window on each side.
 - (d) contain seats, which must be properly cushioned or covered.
 - (e) the floor of the vehicle must be provided with a proper carpet, mat or other suitable covering.
 - (f) the fittings and furniture in the vehicle must be kept in a clean condition, well maintained and in every way fit for public service.
 - (g) be provided with sufficient luggage space for the number of passengers for which the vehicle is licensed.

- (h) contain at least two doors for the use of persons conveyed in the vehicle and a separate means of ingress and egress for the driver.
- (i) be equipped with an adequate first aid kit which must be indelibly marked with the registration number of the vehicle it is used in.
- (j) display 'No Smoking' signage that complies with current legislation.

8. A plate identifying the vehicle as a Private Hire Vehicle, which has been provided by the Council and is of such design as the Council shall determine from time to time, shall be securely affixed to the rear of the vehicle and the whole of the plate clearly visible.

9. A driver must complete a daily records walk around safety check at the beginning of each shift and before using a licensed vehicle. This is to be supported by operator induction training & record keeping in relation to the completed checks. A copy of checks should be kept in the vehicle for at least 7 days.

Appendix 2

Hackney Carriage Vehicle Conditions

Definitions

"Authorised officer" has the same meaning as in section 80 of the Local Government (Miscellaneous Provisions) Act 1976.

"The Council" means the Council of the Borough of Burnley.

"Taxi" has the same meaning as in the Transport Act 1995.

"Identification plates" mean the plates issued by the Council for the purpose of identifying the vehicle as a hackney carriage.

"The proprietor" has the same meaning as in section 80 of the Local Government (Miscellaneous Provisions) Act 1976.

"Taximeter" has the same meaning as in section 80 of the Local Government (Miscellaneous Provisions) Act 1976.

"Bylaws" are those bylaws made in pursuance of the Town Police Clauses Act 1947 and the Local Government (Miscellaneous Provisions) Act 1976.

Conditions attached to Hackney Carriage Proprietors Licences issued by Burnley Borough Council

Section 47 of Local Government (miscellaneous Provisions) Act 1976 allows a council to attach on the grant of a licence of a Hackney Carriage such conditions as the council may consider reasonably necessary.

Conditions attached to Hackney Carriage Proprietors Licences - Burnley

1 Convictions

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

2. Vehicle

- a) New applications will only be accepted where vehicles meet age limit criteria at Appendix 5

- b) The maximum age limit for vehicles is determined by compliance criteria set out at Appendix 5.
- c) The vehicle will be submitted for inspection at an M.O.T. Testing Station designated by the Council at each licence renewal. When submitted for inspection it shall be in a complete and thoroughly good condition and the engine, chassis, body, tyres, fittings, furniture and all parts must be in good repair and order. All steering parts, engine and braking linkages must be thoroughly cleaned to enable thorough inspection.
- d) The vehicle should be fit for public service at all times. Particular attention must be paid to the condition of each tyre (including the spare wheel), lights, engine coolant and lubrication levels, windscreen wipers, washer reservoir levels, and vehicle interior and exterior cleanliness.
- e) The steering wheel must be on the offside (right-hand side)
- f) All doors must be capable of being opened from the inside. There must be at least four doors. If the rear door is to be used for access and egress then access to this must be direct and not blocked by a line of seats. Vehicles without a nearside door are not acceptable.
- g) The maximum number of passengers a vehicle may carry is eight. Access to every seat must be unobstructed without the need for seats to be folded or removed. Bench type seating will not be permitted. Seats must not be sideways to the direction of travel. Any occasional seats must be so arranged as to rise automatically when not in use. Any occasional seats must not obstruct doorways.
- h) Seat belts must be fitted for use by every passenger capable of being carried.
 - i) Where seats are facing each other, there must be a minimum space of 17" (*approximately 43 cm*) between any part of the front seat and any part of any other seat which faces it, provided adequate foot room is maintained at floor level. Where all seats are placed facing to the front of the vehicle. There must be a clear space of at least 26" (*66 cm*) in front of every part of each seat squab (padded back).
 - ii) Further to this a clear space of 7" (*approximately 18cm*) from back of front seat to front of rear seat (when front seat is fully pushed back), is to be recommended for passenger comfort.
- j) The vehicle must be able to carry a reasonable amount of luggage (safe from inclement weather). Luggage should be stored securely and not stored in such a way as to hinder access to a door.
- k) The flooring of the passenger compartment must be covered with a non-slip material, which can be easily cleaned.
- l) Grab handles must be placed at door entrances to assist the elderly and disabled. Grab handles should be highly visible.

- m) All entrances and exits must be sufficiently illuminated at night.
- n) The provision of a step for assisted entry is recommended. The step must be covered with a slip-resistant surface. In the case of vehicles with a high floor height, a step will be required.
- o) The vehicle will not contravene the Motor Vehicles (Construction and Use) Regulations or Road Vehicles (Lighting) Regulations currently in force
- p) Signs indicating that smoking is prohibited will be clearly displayed inside the vehicle.
- q) A licence plate will be maintained on the rear of the vehicle.
- r) The vehicle shall display on the rear nearside and offside doors signs designed and supplied by the Council, incorporating the words 'Burnley Borough Council', 'Licensed Hackney Carriage Vehicle' and the vehicle licence number
- s) The vehicle will have two stickers replicating the details contained on the licence plate adhered to positions that are clearly visible to any passengers sitting on any of the passenger seats.
- t) The vehicle will be black in colour and the colour must be maintained throughout the period for which the licence is in force.

3. Radio Microphone

Any radio microphone installed in the vehicle shall comply with current legislation and be securely fitted in such a position that its use by the driver would not impair his/her control of the vehicle when it is in motion.

4. Accidents to Vehicle

- a) The proprietor of a Hackney Carriage shall report to the Council as soon as reasonably practicable, and in any case within seventy-two hours of the occurrence thereof, any accident to such Hackney Carriage causing damage materially affecting the safety, performance or appearance of the Hackney Carriage or the comfort or convenience of persons carried therein. Compliance with this condition does not exempt the proprietor from his statutory liability to report accidents to the Police.
- b) The proprietor of a Hackney Carriage licensed by the Council shall, within such period as the Council may by notice reasonably require, state in writing the address of every place where such Hackney Carriage is kept when not in use and shall if the Council so require afford them such facilities as may be reasonably necessary to enable them to cause such Hackney Carriage to be inspected or tested there

5. Transfer of Ownership

The proprietor shall notify the Council in writing, within fourteen days of any changes in vehicle ownership stating the name and address of the new proprietor.

6. Insurance

- a) The proprietor shall keep in force a policy of insurance and security for the vehicle covering its' use as a Hackney Carriage.
- b) The proprietor of any Hackney Carriage vehicle licensed by the Council shall at the request of any authorised officer of the Council produce for inspection the vehicle licence and the certificate of insurance for the Hackney Carriage vehicle.

7. Alteration of Vehicle

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

8. Advertisements

- (a) Save where, as respects any particular vehicle, an advertisement that covers the whole or substantially the whole of that vehicle is permitted by the Council in accordance with the provision of paragraph (b) of this condition, hackney carriages shall display on the rear nearside and offside doors, signs designed and supplied by the Council incorporating the words 'Burnley Borough Council Hackney Carriage' and the vehicle licence number.
- (b)
 - (i) Subject as is hereafter provided, hackney carriages may display advertisements that cover the whole of the vehicle but not including any glass surface. Advertisements may also be placed on the drop-down seats located in the rear of vehicles.
 - (ii) Prior to any advertisement being placed on vehicles, the proprietors of the vehicles must first obtain permission from the Licensing Team and will be required to provide an exact representation of the advertisement they intend to display.

(iii) Each request under subparagraph (ii) above to advertise in or on a Hackney Carriage will be considered on its merits but the following adverts will not be approved in any event:

- Those containing texts or images that are of a sexist, homophobic, racist, or blasphemous nature.
- Those containing texts or images that would contravene age and disability discrimination legislation
- Those for escort agencies, gaming establishments, massage parlours or any sexual service
- Those displaying nude or semi-nude figures
- Those likely to offend public taste (depicting violence, obscene or distasteful language); and
- Those that promote drugs, alcohol, or tobacco.

Applications that are considered inappropriate will be referred to the Head of Legal & Democratic Services for final decision.

9. Vehicle Type & Wheelchair Access

All vehicles should meet the Conditions of Fitness for Hackney Carriages.

In addition, vehicles should comply in the converted (wheelchair/disabled access) state to the following standard:

European Community Whole Vehicle Type Approval.

A nearside door or rear door (for rear loading vehicles) must be used for wheelchair access.

A ramp or ramps for the loading of a wheelchair and occupant must be available at all times for use at the nearside passenger door or rear door (for rear loading vehicles). An adequate locating device must be fitted to ensure that the ramp/ramps do not slip or tilt when in use. Provision must be made for the ramps to be stowed safely when not in use. The storage of the ramps when not in use must not impede access or egress of passengers.

There must be a slip-resistant surface on the ramp/ramps.

Anchorage must be provided for the wheelchair and chair bound passenger.

Restraints for wheelchair and occupant must be independent of each other. Belts attached to a wheelchair in order to assist a person to remain in it whilst travelling will not be acceptable.

Vehicles must be capable of transporting a folded wheelchair as luggage. Anchorages must also be provided for the safe storage of a wheelchair when not in use, whether folded or otherwise, if carried within the passenger compartment.

All anchorages and restraints must be so designed that they do not cause any danger to other passengers.

NOTE: Vehicles, which have been confirmed to comply with the specification, and have as a result become licensed, shall remain compliant with these standards throughout the duration of the licence.

10. Fares and Taximeters

The vehicle shall contain the Council's statement of hackney carriage fares to be fitted and maintained in such a position so as to be clearly visible at all times to the hirer. The statement shall clearly show the following:

- a) the minimum charge of each hiring (if any).
- b) the fare tariff.
- c) the retention charge per minute or portion thereof.
- d) any additional charges.

The vehicle shall be provided with a calendar meter that must be maintained and operational at all times the vehicle is in use.

Charges cannot be made for loading or unloading wheelchairs or assisting wheelchairs users or other disabled customers. The meter should be switched on when the vehicle is ready to depart and should be switched off when it arrives at the destination.

Appendix 3

Hackney Carriage Bye Laws 2019

MADE UNDER SECTION 68 OF THE TOWN POLICE CLAUSES ACT 1847
AND SECTION 171 OF THE PUBLIC HEALTH ACT 1875, BY THE COUNCIL
OF THE BOROUGH OF BURNLEY WITH RESPECT TO HACKNEY
CARRIAGES IN THE BOROUGH OF BURNLEY

DEFINITIONS

1. Throughout these byelaws

"The Council" means the Council of the Borough of Burnley.

"The district" means the Borough of Burnley

"The Booking Clerk" means any person tasked by an operator to receive and /or record and private hire bookings

"The Approved Course" means the DriversVRQ2 (BTEC)course for Transporting Passengers by Taxi and Private Hire or similar qualification that includes such learning modules as may be required by the Council, and that at least matches or exceeds the level of qualification attained by the VRQ2 (BTEC)

PROVISIONS REGULATING THE MANNER IN WHICH THE NUMBER OF EACH HACKNEY CARRIAGE CORRESPONDING WITH THE NUMBER OF ITS LICENCE SHALL BE DISPLAYED

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

PROVISIONS REGULATING HOW HACKNEY CARRIAGES ARE TO BE FURNISHED OR PROVIDED

3. The proprietor of a Hackney Carriage shall: -

- a) Provide sufficient means by which any person in the carriage may communicate with the driver.
- b) Cause the roof or covering to be kept watertight.
- c) Provide any necessary windows and a means of opening and closing not less than one window on each side
- d) Cause the floor to be provided with a proper carpet, mat, or other suitable covering
- e) Cause the seats to be properly cushioned or covered
- f) Cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for service
- g) Provide means for securing luggage if the carriage is so constructed as to carry luggage
- h) Provide at least two doors for the use of people conveyed in such carriage and a separate means of ingress and egress for the driver

4. The proprietor of a Hackney Carriage shall cause the same to be provided with a taxi meter to be constructed, attached and maintained to comply with the following requirements, that is to say:

- a) The taximeter shall be fitted with a key, flag, or other device the turning of which will bring the machinery of the taximeter into action and cause the word 'HIRED' to appear on the face of the taximeter
- b) Such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the meter
- c) When the machinery of the taximeter is in action there shall be recorded on the face of the taximeter, in clear legible figures, a fare not exceeding the rate, or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the byelaw in that behalf
- d) The word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon
- e) The taximeter shall be placed that all letters and figures on the face thereof are, at all times, plainly visible to any person being conveyed in the

carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring

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

PROVISIONS RELATING TO THE CONDUCT OF PROPRIETORS AND DRIVERS OF HACKNEY CARRIAGES PLYING WITHIN THE DISTRICT IN THEIR SEVERAL EMPLOYMENTS, AND DETERMINING WHETHER SUCH DRIVERS SHALL WEAR ANY AND WHAT BADGES

5. The driver of a Hackney Carriage provided with a taxi meter shall: -

- a) When standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaws in that behalf, locked in the position in which no fare is recorded on the face of the taximeter
- b) As soon as the carriage is hired by distance, and before beginning the journey, bring the machinery of the taximeter into action by moving the said key, flag, or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring
- c) Cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Transport Lighting Act 1957, and at other times at the request of the hirer

6. A proprietor or driver of a Hackney Carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.

7. A proprietor or driver of a Hackney Carriage shall, when plying for hire in any street and not actually hired: -

- a) Proceed with reasonable speed to one of the stands in the district
- b) If a stand, at the time of his arrival is occupied by the full number of carriages authorised to occupy it, proceed to another stand
- c) On arriving at a stand not already occupied by a full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand to face in the same direction

d) From time to time when any other carriage immediately in front is driven off or moved forward, cause his carriage to be moved forward to fill the place previously occupied by the carriage driven off or moved forward

8. A proprietor or driver of a Hackney Carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of another person for the purpose

9. A proprietor or driver of a Hackney Carriage, shall not place or suffer to be placed any printed, written or other matter by way of advertisement on any part of the carriage except with the consent of the Council

10. The driver of a Hackney Carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle

11. The driver of a Hackney Carriage shall not at any time while driving on hire, smoke any tobacco or like substance, or play a wireless set, except with the consent of the hirer

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

13. The driver of a Hackney Carriage when hired to drive to a particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route

14. A proprietor or driver of a Hackney Carriage shall not convey or permit to be conveyed in such a carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage

15. If a badge has been provided by the Council and delivered to the driver of a Hackney Carriage, he shall, when standing or plying for hire, and when hired, wear that badge in such a position and manner as to be plainly visible

16. The driver of a Hackney Carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage: -

- a) convey a reasonable quantity of luggage
- b) afford reasonable assistance in loading and unloading
- c) afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such a person

17. The driver of a Hackney Carriage shall notify the Council of any conviction against him or of any acceptance by him of an endorsable fixed penalty notice or simple caution for criminal or motoring offences or of any pending prosecutions taken against him for such types of offences since the issue of his Hackney Carriage driver's licence

18. No person shall act as a driver of a Hackney Carriage at any time after 6 months of the date on which the licence to drive is first granted to him by the Council unless:

- a) within not more than 7 days after the grant by the Council of a Hackney Carriage driver's licence to him, he registered for the Approved Course and
- b) he successfully completed the Approved Course within 6 months of the date of the grant by the Council of the Hackney Carriage driver's licence to him

19. Byelaws 18(a) and 18(b) shall not apply to a driver who has, prior to the grant by the Council of a Hackney Carriage driver's licence to him, successfully completed the Approved Course

20. No person shall drive a Hackney Carriage without first having completed a child sexual exploitation awareness course approved by the Council

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

21. The proprietor or driver of a Hackney Carriage shall, immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein

22. The proprietor or driver of a Hackney Carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him: -

- a) Carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to a Police station within the district and

leave it in the custody of the officer in charge of the station on his giving receipt for it

b) Be entitled to receive from any person to whom the property shall be re-delivered an amount equal to 5 pence in the pound of its estimated value (or the fare for the distance from the place of finding to the police station, whichever be the greater) but not more than 5 pounds

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

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

b) Where a Hackney Carriage furnished with a taximeter is hired by distance and time the proprietor or driver thereof shall not be entitled to demand and take fare greater than that recorded on the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter

24. a) The proprietor of a Hackney Carriage shall cause a statement of the fares fixed by council resolution to be exhibited inside the carriage, in clearly distinguishable letters and figures

b) The proprietor of a Hackney Carriage bearing a statement of fares in accordance with the byelaw shall not willfully or negligently cause or suffer the letter or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire

PENALTIES

25. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding fifty pounds and fifty pounds for a second or subsequent offence.

REPEAL OF BYELAWS

26. The byelaws relating to hackney carriages which were made by the Burnley Borough Council on the 2nd day of August 1978 and confirmed by one of Her Majesty's Assistant Under Secretaries of State on the 6th day of October 1978 are hereby repealed.

Appendix 4

Supplemental Testing Manual

THE LICENSING OF HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES SUPPLEMENTAL TESTING MANUAL FOR ELEMENTS OF THE VEHICLE TEST IN ADDITION TO DVSA MOT STANDARDS

1. EXTERIOR OF VEHICLE			
METHOD OF INSPECTION		REASON FOR REJECTION	NOTES
1.1	The exterior of the bodywork, the underside of the vehicle and the engine compartment must be in a suitable clean condition to allow for proper inspection of these areas	Contamination preventing proper inspection	If the vehicle is presented for inspection in such a condition that prevents a full examination of items for inspection, the vehicle test will not be carried out. Vehicle exterior to be washed clean for presentation for test.
1.2	Check all door check straps to ensure that doors are held in place when fully opened.	Door check straps which fail to hold the doors in place when fully opened. Door check straps which fail to restrain the doors when fully open, causing panel damage.	All repairs should be carried out to a professional standard. Drivers may appeal to Licensing Team if vehicle failed for dents.
1.3	Examine the external body panel and structure for evidence of corrosion, damage and / or unsatisfactory repairs	Visibly poor or shoddy repairs constitute a fail. A dent on a panel over 60mm in diameter at its widest point and over 4mm deep constitutes a fail. Multiple dents – More than 4 dents up to 60mm in diameter and 4 mm deep on the whole of the vehicle constitutes a fail	Allowances will be made for small stone chips which are not showing signs of rust. Drivers may appeal to Licensing Team if vehicle failed for scratches / dents. A scratch constitutes paint removal to undercoat or metal.
1.4	Examine the external paintwork for damage which adversely affects the appearance of the vehicle.	An obvious mismatch of paint constitutes a fail. A scratch mark over 300 mm long constitutes a fail.	Allowances will be made for small stone chips which are not showing signs of rust. Drivers may appeal to Licensing Team if

		More than 3 scratches over 150 mm on the whole of the vehicle constitute a fail. A single rust scab over 20mm constitutes a fail. More than 3 rust scabs over 10mm constitute a fail.	vehicle failed for scratches / dents. A scratch constitutes paint removal to undercoat or metal.
1.5	Ensure that the front and rear bumpers are in good condition and are securely fixed to the vehicle.	Badly damaged or inadequately secured front or rear bumpers. Visibly poor or shoddy repairs constitute a fail.	Advice will be issued for minor damage
1.6	Examine the rubber seals to every door for damage, looseness, or absence.	A door seal which is damaged or worn to the extent that air/water penetration may occur constitutes a fail. Any sharp edges arising from door seal defects constitutes a fail.	
1.7	Check that every reversing light fitted by the manufacturer of the vehicle is complete, in good working order and in clean condition	A reversing light which: a) does not operate when reverse gear is selected. b) is incomplete, not in good working order or in clean condition, i.e. so damaged or deteriorated that its function is impaired. c) emits other than a steady white light when reverse gear is selected or remains on when reverse gear is deselected d) is insecure or does not provide adequate illumination to the rear of the vehicle	

2. SIGNS – PRIVATE HIRE VEHICLES THIS SECTION DOES NOT APPLY TO VEHICLES PRESENTED FOR INSPECTION WHERE AN INITIAL APPLICATION FOR A HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLE LICENCE IS TO BE MADE

	METHOD OF INSPECTION	REASON FOR REJECTION	NOTES
2.1	Examine Insurance stickers affixed to the rear passenger doors to ensure that	Failure to display the signs in the manner prescribed in the	

	they comply with the conditions attached to private hire vehicle licences.	conditions attached to private hire vehicle licences.	
2.2	Examine the vehicle to ensure that “No Smoking” signs are displayed and are clearly visible to passengers	‘No Smoking’ signs not displayed or displayed in such a manner that they cannot be clearly seen by passengers ‘No Smoking’ signs displayed that do not conform to the size and design required.	‘No Smoking’ signs that comply with the legislation can be obtained free of charge from the Licensing Team
2.3	Examine any signage displayed on the vehicle to ensure that it complies with the conditions attached to the vehicle licence	Vehicle is displaying signage in contravention of the conditions attached to the vehicle licence.	Private Hire vehicles are prohibited from displaying any advertisement.
2.4	Examine any advertisement either in or on the vehicle to ensure that it meets the criteria for advertising contained in the conditions attached to hackney carriages	Adverts that exceed the dimensions and or content contained in the hackney carriage conditions.	
2.5	Examine the vehicle to ensure that signs that state, ‘Burnley Borough Council – Licensed Hackney Carriage’ are displayed on the rear passenger doors and contain the same licence number that is displayed on the licence plate.	Signs not displayed Signs damaged so as to render them unreadable	Signs will be provided free of charge by the Council when the vehicle is first licensed. The cost of any replacement signs required will be the responsibility of the vehicle proprietor

3. LICENCE PLATES

	METHOD OF INSPECTION	REASON FOR REJECTION	NOTES
3.1	Examine the licence plate mounting and ensure that it is securely fixed to the vehicle	A mounting plate which is not adequately secured to the vehicle by a Council approved method	Hackney carriage plates shall be fixed in the centre of the boot lid. Private hire plates shall be fixed to the rear offside of the vehicle

4. TYRES AND SPARE WHEEL			
	METHOD OF INSPECTION	REASON FOR REJECTION	NOTES
4.1	Ensure that the tyre provided on the spare Wheel is the same size and construction as those fitted to the road wheels.	A tyre which is of a different size or construction. (Space saver tyres are acceptable)	The vehicle must be presented with a spare tyre which, if fitted to the vehicle, would satisfy all legal requirements.
4.2	Examine the tyre which is fitted to the spare wheel for signs of damage or excessive wear and ensure that it complies with all legal requirements	Damaged, excessive wear, sub-standard or otherwise illegal tyres	
4.3	Check that the tyre is not excessively over inflated or under inflated.	Excessively over or under inflated spare tyre	
4.4	Examine the jack and wheel brace provided with the vehicle to ensure that they are in good working order.	Failure to provide a suitable jack and /or wheel brace with the vehicle in good working order	
4.5	Check the spare wheel fixing bracket (or similar securing device) to ensure that the wheel is properly secured in the correct position.	Failure to satisfactorily secure the spare wheel	
4.6	Check the rim of the spare wheel for any Signs of distortion or damage.	A wheel rim that is damaged or distorted to such an extent that it is rendered unserviceable	
5. BOOT			
	METHOD OF INSPECTION	REASON FOR REJECTION	NOTES
5.1	Examine the boot interior for evidence of Corrosion or water penetration	Corrosion to the floor of the booth, inner wing panels or lid or evidence of water penetration.	
5.2	Ensure that there is adequate boot floor Covering and that it is in good condition and offers adequate protection to luggage stored in the boot	Inadequate floor covering	
5.3	Examine the interior of the boot for accumulations of dirt, dust, grease, litter etc. or staining of any surface	Accumulations of dirt, grease, rubbish etc. in the boot which	The materials could contaminate

	which luggage may come into contact with.	could soil, or damage luggage stored therein	passengers' luggage, taint food etc.
5.4	Check the boot for the presence of any flammable or corrosive materials.	Containers for the storage of petrol or any flammable or corrosive material shall not be carried in the vehicle	
5.5	Check the boot for loose tools and other items.	Any tools or other items not adequately secured or would hinder storage of luggage	
5.6	Check that the vehicle boot support and mechanism adequately support the boot lid when it is in the 'lifted' position	Defective opening mechanism. Defective boot supports which prevent the lid from being properly secured in the 'lifted' position	

6. ENGINE COMPARTMENT

	METHOD OF INSPECTION	REASON FOR REJECTION	NOTES
6.1	Ensure that the battery is properly secured in position and that any additional electrical equipment is safe and secure	A battery which is not adequately secured. Additional wiring or equipment which is unsafe or insecure	
6.2	Check the fan belt for signs of incorrect adjustment and/or deterioration		Advice notes
6.3	Examine the engine mountings for signs of deterioration.	Insecure or excessively deteriorated engine mountings	
6.4	Ensure that the radiator is properly secured to the vehicle and check the cooling system for signs of any leaks	An inadequately secured radiator or leaks from the cooling system	
6.5	Check the clutch mechanism for correct operation		Advice notes

7. INTERIOR OF VEHICLE

	METHOD OF INSPECTION	REASON FOR REJECTION	NOTES
7.1	Examine the floor and upholstery inside. The vehicle for accumulations of dirt, dust, litter, general debris, staining or excessive wear.	A vehicle which is in a dirty condition with an excessive accumulation of dust, litter, debris etc. or staining to the carpets or upholstery	Vehicle interior to be vacuum cleaned for presentation for test
7.2	Examine the upholstery and ensure that it is not excessively worn, holed or torn	Upholstery is excessively worn, hole or torn	
7.3	Examine each of the passenger seats to ensure that all seat cushions and	Seat cushions or back rests which are in poor condition	

	back rests are in good condition and offer proper support to passengers	and/or offer poor support to passengers	
7.4	Examine the rear seats to ensure that the seat base is secure	Inadequately secured rear seat bases	
7.5	Check the operation of the interior light, both the door manual switch and the door operated switches if fitted by the manufacturer	Faulty interior light switches or door switches	
7.6	Check the operation of the heater/windscreen de-mister to ensure that it is in satisfactory condition	Defective heater/windscreen de-mister	
7.7	Check the anti-slip face on the clutch Pedal	The anti-slip provision on the clutch pedal is missing, loose or worn smooth	
7.8	Check the operation of all window winder mechanisms ensuring that they allow windows to be fully lowered and raised easily	Window mechanisms that do not allow windows to be easily lowered or raised	
7.9	Check the operation of all rear doors from the interior of the vehicle	A rear door that cannot be opened from the inside using the interior handles	
7.10	Check that interior and exterior mirrors are fitted	Missing, insecure or defective mirrors which do not give a clear view to the rear from the driver's seat	
7.11	Check that there are no excessively unpleasant odours noticeable inside the vehicle	Unacceptable smell including vomit, waste food or other similar contaminants	
7.12	Ensure that all emergency exits provided are clearly marked, in letters not less than 25mm high, on both the inside and outside with the words, 'EMERGENCY DOOR' or 'FOR EMERGENCY USE ONLY' adjacent to that exit	The words, 'EMERGENCY DOOR' or 'FOR EMERGENCY USE ONLY' are not displayed on either the inside or outside	Sections 7.12 and 7.13 are only applicable to vehicles which are licensed for the carriage of 8 passengers not including the driver
7.13	Check that the means of operation for the emergency exits is clearly indicated on or near the door	The means of operation are not clearly indicated	
7.14	Check that the wheelchair ramps slide easily and smoothly from stowage and that they are in good condition.	Ramps not present. Ramps that are not easily removed from stowage.	Storage of ramps when not in use must not

			impede access or egress of passengers
7.15	Check that an adequate locating device is fitted to ensure that ramps do not slip or tilt when in use	No locating device	
7.16	Check that anchorages are provided both for wheelchairs and for passengers travelling in wheelchairs. Restraints must be independent of each other	No separate anchorages for wheelchairs and for passengers	A single restraint i.e. either wheelchair anchorage or seatbelt that restrains passengers in wheelchairs is not acceptable.
7.17	Examine grab handles at door entrances to ensure that they are securely fixed to the vehicle.	Grab handles missing or not securely fixed	

8. FIRST AID KIT

	METHOD OF INSPECTION	REASON FOR REJECTION	NOTES
8.1	Check that there is a first aid kit	Failure to provide first aid kit	

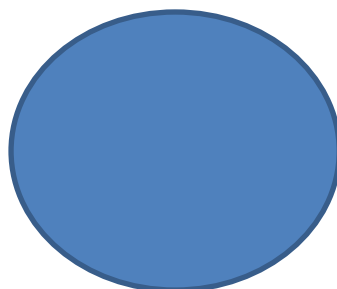
9. ROAD TEST

	METHOD OF INSPECTION	REASON FOR REJECTION	NOTES
9.1	Drive the vehicle over a measured distance and check for meter calibration at 1320 yards and a further increment of 220 yards	A taxi meter fare reading that does not comply with the Council's current fare/tariff charge	Applies to hackney carriages and private hire vehicles fitted with meters
9.2	Check integrity of meter seals	Seals which have been tampered with or removed	Ditto
9.3	Check that the meter fitted is a Calendar	Non – Calendar meter fitted	Ditto

Any scratch on your vehicle that is longer than this means your vehicle will fail



Any dent on your vehicle that is bigger than this → means your vehicle will fail.



Any rust scab or blemish that is bigger than this →



your vehicle will fail.

Appendix 5

Vehicle Age Limits

Hackney Carriage Vehicles

Lower Age Limit (Vehicles must be less than this age when first licensed)	10 years, provided the requirements of Note 1 are met.
Upper Age Limit for Hackney Carriage Vehicles	No upper age limit, provided that the requirements of Note 2 are met.
Written off vehicles	Replaced with a vehicle up to the age of that written off, then no upper limit provided that the requirements of Note 2 are met.

NOTE 1: - LOWER AGE LIMIT

Vehicles must be aged less than 10 years when first licensed. Age shall be determined from the date of first registration.

NOTE 2: - VEHICLE SAFETY:

Hackney Carriage and Private Hire vehicle licences will be issued for differing periods dependent upon the age of the vehicle at the time a completed licence application is submitted:

Licence applications relating to vehicles less than 3 years of age will be issued with an annual licence.

Licence applications relating to vehicles above 3 years of age, but less than 8 years of age will be issued with a 6 monthly licence.

Licence applications relating to vehicles 8 years of age and over will be issued with a 4 monthly licence.

(vehicle age is determined by the date of vehicle first registration).

As part of the vehicle licence application a satisfactory vehicle compliance certificate must be submitted. The vehicle compliance certificate must be dated within 1 calendar month of the date the completed application is received, in relation to a renewal application within 1 calendar month prior to the expiry of the current licence.

A compliance certificate comprises two separate documents, firstly a formal MOT pass certificate which is provided to acknowledge satisfactory compliance with the DVSA MOT standard and secondly a compliance certificate which demonstrates compliance with the council's supplementary test manual (attached at Appendix 4). The compliance certificate must document the MOT test number that corresponds to the compliance test undertaken.

Licensed Hackney Carriage and private hire vehicles must have a valid MOT at all times.

PROVIDED THAT THE ABOVE REQUIREMENTS ARE MET, THERE SHALL BE NO UPPER AGE LIMIT FOR HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLES.

However, the Licensing Authority may review the MOT history and compliance test history of any Hackney Carriage or Private Hire vehicle at any time. Where defects due to poor maintenance or serious safety concerns are identified either during MOT / compliance testing or at vehicle spot checks, it is likely to result in formal consideration of whether the licence holder remains a safe and suitable person to hold a licence. Furthermore, where dangerous faults are identified on an MOT and marked with do not drive, the mileage on any subsequent MOT is expected to demonstrate that the vehicle has not been driven any significant mileage between initial tests and subsequent retest.

IT IS AN OFFENCE TO DRIVE (OR PARK) A VEHICLE ON A PUBLIC ROAD IF DANGEROUS DEFECTS ARE IDENTIFIED IN AN MOT TEST, BEFORE SUCH DEFECTS ARE REPAIRED.

Dangerous and Major faults are outlined in the DVSA MOT Inspection Manual: Cars & Passenger Vehicles. Reference to this manual can be found using the following link: <https://www.gov.uk/guidance/mot-inspection-manual-for-private-passenger-and-light-commercial-vehicles>

Private Hire Vehicles

Saloons, Estate Cars and small M.P.V's.	No lower age limit – see Note 1. No upper age limit, provided that the requirements of Note 2 are met.
#Large M.P.V's and Minibuses that are NOT wheelchair accessible.	Lower age limit of 8 years (i.e. the vehicle must be less than 8 years old at the time of first application). See Note 1. No upper age limit, provided that the requirements of Note 2 are met.
#Large M.P.V's and Minibuses that ARE wheelchair accessible	Lower age limit of 8 years (i.e. the vehicle must be less than 8 years old at the time of first application). See Note 1. No upper age limit, provided that the requirements of Note 2 are met.

#To be classed as a large MPV, the overall length of the vehicle must be 4.8 metres or more.

NOTE 1: - LOWER AGE LIMIT

Vehicles must be aged less than 10 years when first licensed. Age shall be determined from the date of first registration.

NOTE 2: - VEHICLE SAFETY:

Hackney Carriage and Private Hire vehicle licences will be issued for differing periods dependent upon the age of the vehicle at the time a completed licence application is submitted:

Licence applications relating to vehicles less than 3 years of age will be issued with an annual licence.

Licence applications relating to vehicles above 3 years of age, but less than 8 years of age will be issued with a 6 monthly licence.

Licence applications relating to vehicles 8 years of age and over will be issued with a 4 monthly licence.
(vehicle age is determined by the date of vehicle first registration).

As part of the vehicle licence application a satisfactory vehicle compliance certificate must be submitted. The vehicle compliance certificate must be dated within 1 calendar month of the date the completed application is received, in relation to a renewal application within 1 calendar month prior to the expiry of the current licence.

A compliance certificate comprises two separate documents, firstly a formal MOT pass certificate which is provided to acknowledge satisfactory compliance with the DVSA MOT standard and secondly a compliance certificate which demonstrates compliance with the council's supplementary test manual (attached at Appendix 4). The compliance certificate must document the MOT test number that corresponds to the compliance test undertaken.

Licensed Hackney Carriage and private hire vehicles must have a valid MOT at all times.

PROVIDED THAT THE ABOVE REQUIREMENTS ARE MET, THERE SHALL BE NO UPPER AGE LIMIT FOR HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLES.

However, the Licensing Authority may review the MOT history and compliance test history of any Hackney Carriage or Private Hire vehicle at any time. Where defects due to poor maintenance or serious safety concerns are identified either during MOT / compliance testing or at vehicle spot checks, it is likely to result in formal consideration of whether the licence holder remains a safe and suitable person to hold a licence. Furthermore, where dangerous faults are identified on an MOT and marked with do not drive, the mileage on any subsequent MOT is expected to demonstrate that the vehicle has not been driven any significant mileage between initial tests and subsequent retest.

IT IS AN OFFENCE TO DRIVE (OR PARK) A VEHICLE ON A PUBLIC ROAD IF DANGEROUS DEFECTS ARE IDENTIFIED IN AN MOT TEST, BEFORE SUCH DEFECTS ARE REPAIRED.

Dangerous and Major faults are outlined in the DVSA MOT Inspection Manual: Cars & Passenger Vehicles. Reference to this manual can be found using the following link: <https://www.gov.uk/guidance/mot-inspection-manual-for-private-passenger-and-light-commercial-vehicles>

Appendix 6

Vehicle Application Guidance

If you are considering applying to licence a vehicle, please ensure that you read the vehicle age requirements in Appendix 5 above.

We now check to ensure that there is not a manufacturing recall on your vehicle. Applications will not be accepted until the fault has been remedied.

Please ensure that the following information is submitted at the time of applying:

- Fully Completed Application Form
- 2. Motor Insurance Policy (A Schedule of Insurance is unacceptable)
- Up to date Road Tax information
- Compliance Test Certificate (**which shall include a formal MOT test**) dated within 1 calendar month of the date that the completed application is received, and in relation to a renewal application within 1 calendar month prior to the expiry of the current licence.
- V5 Registration Document
- Current DBS Certificate (if applicable)

Most existing operators and drivers will already have presented an enhanced DBS certificate for licensing purposes.

For vehicle proprietors who are not licenced as an operator or a driver, a basic DBS certificate (date of issue to be within 12 months of the completed application being submitted) is required.

For existing licence holders, you are advised that an application should be submitted two weeks prior to the expiry date of the current licence of the vehicle concerned.

Vehicle licence/plate applications should be submitted using the drop/post box situated at the Contact Centre on Parker Lane, Burnley to the left of the main entrance doors at the junction of Grimshaw Street.

Appendix 7

List of Approved Taxi Test Stations in Burnley

The list of approved taxi testing stations in Burnley can be viewed on our website at:

<https://burnley.gov.uk/business/licensing/taxi-licensing/how-to-apply-for-a-vehicle-licence/>

Appendix 8

Insurance Advice to Applicants

It is the responsibility of the person applying for a Hackney or Private Hire vehicle licence to produce the original insurance certificate for the vehicle they wish to licence.

We do not accept photocopies or faxed copies of motor insurance. The document produced must be either a certificate of insurance or a cover note. We do not accept an insurance policy document. It is not proof of insurance.

We do not accept Insurance certificates issued to 'third parties'. The holder of the Insurance certificate MUST be the same person who is named as the registered keeper of the vehicle and the same person who is applying for the vehicle licence. The only exception to this is where the insurance certificate has been issued to a Burnley licensed private hire operator and the application and registration document are in the name of the holder of that operator's licence.

If you are producing a fleet policy or a policy that is for 'any vehicle' you must produce a separate vehicle schedule which lists all the vehicles that are covered. The schedule should be linked to the certificate of insurance you are producing i.e. the serial number on the certificate of insurance should be the same as that on the schedule. The schedule should also be dated.

Important Note

It is not the responsibility of Council staff to ring your insurance company in order to verify your insurance details.

Appendix 9

Hackney Carriage Stands

All Day Stands	
Burnley	
Croft Street	2
Halstead Street (Manchester Road train station)	2
Gunsmith Place	10
Padiham	
Burnley Road, Padiham	2

Stands 12 midnight to 04:00 am	
Burnley	
St James's Street	5
Ormerod Street	7

Stands 10pm to 04:30 am	
Burnley	
Hammerton Street west	5
Hammerton Street east	6

Stands 10:30pm to 04:30 am	
Burnley	
Manchester Road (The Big Window)	4
Hargreaves Street north	3
Hargreaves Street south	4

Appendix 10 Hackney Carriage Table of Fares

Appendix 10

Hackney Carriage Table of Fares

Drivers are required by law to switch on the taxi meter at the start of each journey.

Fares apply to all journeys within the Borough Boundary and to journeys outside the Borough Boundary unless agreed otherwise between driver and hirer prior to the hiring.

TARIFF 1

For hiring commenced between the hours 6.00 am and midnight each day

For the first 1320 yards (three quarters of a mile) or 4 minutes	£3.00
--	--------------

For each succeeding 220 yards or 40 seconds thereafter or a combination of both	£0.20
---	--------------

TARIFF 2

For hiring commenced between midnight and 6.00 am each day, Statutory Holidays and Bank Holidays (excluding Christmas and New Year):

For the first 1320 yards (three quarters of a mile) or 4 minutes	£3.50
--	--------------

For each succeeding 220 yards or 40 seconds thereafter or a combination of both	£0.20
---	--------------

TARIFF 3

For hiring commenced between the hours 6.00 pm Christmas Eve and 6.00 am 27 December and between 6.00 pm New Year's Eve and 6.00 am 2 January:

For the first 1320 yards (three quarters of a mile) or 4 minutes	£5.00
--	--------------

For each succeeding 220 yards or 40 seconds thereafter or a combination of both	£0.40
---	--------------

Extra Charges:

- To cover cleaning and loss of income, where the interior of the vehicle is soiled (at the discretion of the driver) not exceeding £50.00
- Before the journey starts the driver must advise if He / She is exercising discretion to charge a maximum of £1.00 for carrying abnormal loads. (This does not apply to carriage of suitcases, hand – held luggage, shopping bags, prams / pushchairs or wheelchairs.)
- Assistance dogs **must** be carried free of charge.

Drivers may ask customers to pay an estimated fare or deposit, up-front.

Appendix 11

Right to Work

A licence will not be issued to an individual who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any licence issued will expire when the right to work expires and will become invalid when a licence holder ceases to be entitled to work in the UK.

Applicants must demonstrate that you have the right to work in the UK and are not subject to a condition preventing you from doing work relating to the carrying on of a licensable activity.

You can do this in one of two ways:

- 1) by bringing with you an original document (as determined by the Home Office) which will be copied and scanned onto our system that demonstrates your entitlement to work in the UK.
- 2) by providing your 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Home Office online right to work checking service.

As an alternative to providing a copy of original documents, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their '**share code**' (provided to them upon accessing the service at: [Prove your right to work to an employer - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/your-share-code) which, along with the applicant's date of birth, will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be shared digitally. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copies of documents as set out above.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office.

Please visit our [Proof of Eligibility to Work in the UK](#) document for full criteria.

Appendix 12

Policy Guidelines to Fitness & Propriety Including Convictions and Other Relevant Information

1. In determining safety and suitability, the licensing authority is entitled to take into account all matters concerning that applicant or licensee. The Licensing Authority is not simply concerned with that person's behaviour whilst working in the taxi or private hire trade. The consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour, and the entire character of the individual will be considered. This can include, but is not limited to, the individual's attitude and temperament. The categories of behaviours described below are introduced as "offences" which may or may not lead to convictions. Any such behaviours will be taken into account, whether or not it resulted in convictions or other sanctions.
2. Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction.¹ Fixed penalties and community resolutions will also be considered in the same way as a conviction.²
3. It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute, police decide on no further action (NFA), bailed, released under investigation or where an investigation is continuing) can and will be taken into account by the licensing authority.³ In addition, complaints and or investigations where there was no police involvement will also be considered. Within this document, any reference to "conviction" will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.
4. In the case of any new applicant who is under investigation or has been charged with any offence and is awaiting trial, the determination may be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the licensing authority to decide what action to take in the light of these guidelines.
5. In all cases, the licensing authority will consider the conviction or behaviour in question and what weight should be attached to it, and each and every case will be determined on its own merits, and in the light of these guidelines.
6. Any offences committed, or unacceptable behaviour reported whilst driving a taxi or private hire vehicle, concerning the use of a taxi or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the taxi and private hire trades will not be seen as mitigating factors.

¹ This is because a caution can only be imposed following an admission of guilt, which is equivalent to a guilty plea on prosecution.

² This is because payment of a fixed penalty indicates acceptance of guilt, and a community resolution can only be imposed following an admission of guilt.

³ See *R v Maidstone Crown Court, ex p Olson* [1992] COD 496, QBD; *McCool v Rushcliffe Borough Council* [1998] 3 All ER 889, QBD; and *Leeds City Council v Hussain* [2002] EWHC 1145 (Admin), [2003] RTR 199 Admin Ct.

7. As the licensing authority will be looking at the entirety of the individual, in many cases safety and suitability will not be determined by a specified period of time having elapsed following a conviction or the completion of a sentence. Time periods are relevant and weighty considerations, but they are not the only determining factor.

8. In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.

9. Most applicants or licensees will have no convictions and that is clearly the ideal situation. In relation to other people, it is accepted that human beings do make mistakes and lapse in their conduct for a variety of reasons, and it is further accepted that many learn from experience and do not go on to commit further offences. Accordingly, in many cases an isolated conviction, especially if committed some time ago, may not prevent the grant or renewal of a licence.

10. It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The licensing authority has powers to take action against the holder of all types of licence (drivers, vehicles and operators) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.

11. Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked and may result in prosecution.

12. Although the direct impact on the public varies depending upon the type of licence applied for or held, to maintain public confidence in the integrity of the taxi and private hire licensing regimes, it is suggested that the same standards are applied to all licences, except motoring convictions in relation to a private hire operator.

13. This Guidance suggests minimum periods of time that should elapse between the date of conviction or completion of the sentence (whichever is later) and the grant of a licence. Those periods are for single convictions. Where a person has more than one conviction, and can be seen as a persistent offender, this will raise serious questions about their safety and suitability. Convictions do become less important over time (hence the time periods) but multiple convictions or continued offending over any period of time will always be of significant concern to a licensing authority. The licensing authority is looking for safe and suitable individuals, and once a pattern or trend of repeated offending is apparent, a licence will not be granted or renewed.

14. Where an applicant/licensee is convicted of an offence, or has evidence of unsuitable behaviour, which is not detailed in this guidance, the licensing authority will take that conviction and/or behaviour into account and use these guidelines as an indication of the approach that should be taken.

15. These guidelines do not replace the duty of the licensing authority to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by these guidelines, the authority must consider the matter from first principles and determine the fitness and propriety of the individual. It must be remembered that these are guidelines. It is for each authority to determine and adopt its own previous convictions policy, and then determine applications in the light of that policy.

16. It must always be borne in mind that these are Guidelines, not fixed periods, and if there are “truly exceptional circumstances”⁴ the time periods can be reduced in individual cases. Such instances should only be for “truly exceptional circumstances” and not frequent occurrences. The decision makers must consider each case on its own merits, taking into account all factors, including the need to protect the public, the circumstances and effect of the offence, and any mitigation that has been offered. However, the conviction itself cannot be reconsidered.⁵

Drivers

17. As the criteria for determining whether an individual should be granted or retain a taxi driver’s licence are identical to the criteria for a private hire driver’s licence, the two are considered together.

18. A driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.

19. As stated above, where an applicant persistently offends, which shows a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a safe and suitable person.

20. In relation to single convictions, the time periods detailed in the following paragraphs should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted. For motoring offences see the paragraphs headed ‘Motoring Offences’ below.

21. As stated above, the categories of behaviours described below are introduced as “offences” which may or may not lead to convictions. Any such behaviours will be taken into account, whether or not it resulted in convictions or other sanctions.

⁴ DfT Statutory Standards Guidance para 5.15

⁵ *Nottingham City Council v Farooq (Mohammed)* Times, October 28, 1998 QBD

Barred lists

22. A licence will not be granted to a person who is on any barred list.

Offences resulting in death

23. Where an applicant or 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 of another person they will not be licensed.

Offences involving exploitation and criminal harassment

24. Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment or criminal harassment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse, stalking without violence, but this is not an exhaustive list.

Offences involving violence against persons, property, animals or the State

25. Violence includes situations where the victim is put in fear, alarm or distress without any physical contact. It is accepted that the concept of “violence” is wide, but any such behaviour will be of concern. This Guidance does not differentiate between different levels of violence. It will be for the licensing authority to determine whether there is any justification for departing from this time period, dependant of the facts of a particular case.

26. Where an applicant has a conviction for an offence of violence, 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. Where the offence of violence was committed against a child or vulnerable adult a licence will never be granted.

Offences involving Public Order

27. Where an applicant has a conviction for a public order offence or similar that is not in itself an act of violence, a licence will not be granted for a period of 5 years.

Offences involving Possession of a weapon

28. 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 7 years have elapsed since the completion of any sentence imposed.

Offences involving Sex, indecency or obscene materials

29. Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted. This includes any sexual harassment.

30. In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register.

Offences involving Dishonesty

31. Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Offences involving Alcohol abuse, Misuse or Dependency

32. Where an applicant has any conviction for, or related to drunkenness not in a motor vehicle, a licence will not be granted until at least 5 years have elapsed since the completion of the sentence imposed. If the applicant has a number of convictions for drunkenness and or there are indications of a medical problem associated with possible abuse, misuse of, or dependence on alcohol, the applicant will also be subject to additional medical testing/assessment before the application is considered. If the applicant was found to be dependent on alcohol, a licence will not be granted unless at least 5 years have elapsed since the dependency ceased.

Offences involving Drugs abuse Misuse or Dependency

33. Where an applicant has any conviction for, or related to, the production, import, trade in or 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.

34. 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 5 years have elapsed since the completion of any sentence imposed. In these

circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

35. If there are indications that an applicant or licensee has, or has had a history of, a medical problem associated with possible abuse, misuse or dependence of drugs, the applicant will also be subject to additional medical testing/assessment before the application is considered. If the applicant was found to be dependent on drugs, a licence will not be granted unless at least 5 years have elapsed since the dependency ceased.

Offences involving Discrimination

36. Where an applicant has a conviction involving or connected with discrimination in any form, including non-compliance with the Equality Act 2010, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed. This includes e.g. refusals to carry assistance dogs or to provide mobility assistance.

Offences involving Regulatory non-compliance

37. Regulatory crimes include local authority offences, licensing matters, and other offences prosecuted by other authorities. It also includes matters relating to the administration of justice such as failing to surrender to bail, and any other matter where regulations or requirements have been ignored or broken. These offences demonstrate a lack of compliance with legal requirements which would clearly be a worry in relation to taxi and private hire licensees. Serious consideration would need to be given as to whether they are a safe and suitable person to hold a licence.

Motoring Offences

38. Taxi and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction can demonstrate a lack of professionalism and will be considered seriously. A single occurrence of a minor traffic offence may not prohibit the grant of a licence or result in action against an existing licence. Subsequent convictions suggest the fact that the licensee may not take their professional responsibilities seriously and may therefore not be a safe and suitable person to be granted or retain a licence.

39. Where an applicant has a conviction for drink driving or driving under the influence of drugs or failing to provide a specimen in relation to a driving matter, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. With drug offences, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

40. Where an applicant has a conviction for using a held-hand mobile telephone or a handheld device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any disqualification imposed, whichever is the later.⁶

41. Penalty points applied to a DVLA driving licence remain active for either 3 or 10 years, which may be from the date of the offence or the date of conviction depending upon the offence as detailed in "Penalty points (endorsements)".⁷ They may be removed from the licence after 4 or 11 years. That action does not negate the offence that led to the points being imposed. Penalty points (and the underlying offence) will be relevant and taken into consideration for 4 or 11 years from the date of the conviction. or the date of the offence depending on the type of offence (see "Penalty points (endorsements)".⁸

42. By attaining 7 or more penalty points on their DVLA licence a driver is demonstrating they may not be fit and proper and the authority should assess their suitability. It is suggested part of the assessment is to undertake a driver awareness course and/or pass a driver assessment, with no more than 8 minor infringements, within 2 months of notice from the authority they are considering the suitability of the licence holder. Failure to do so strongly suggests the driver is not fit and proper and not be licensed until a period of 12 months has passed with no further convictions and has passed a driver assessment since the last conviction.

43. Any offence which resulted in injury to any person or damage to any property (including vehicles), or any insurance offence then a licence will not be granted until at least 7 years have elapsed since the completion of any sentence.

44. Any driver who has accumulated 12 or more points on their DVLA licence and has not been disqualified under the totting up procedure by a court as a result of making exceptional hardship arguments shall not be able to advance such arguments before the licensing authority as they are not a relevant consideration in determining what action the authority should take. Any such driver will not be licensed for a period of 5 years from the date of the accumulation of 12 or more points.

45. Any driver who has been disqualified as a result of "totting-up", which erases the points when the licence is restored, will not be licensed for a period of 5 years from the date of the disqualification. Other disqualifications will need to be investigated, the reasons ascertained, and a decision will be based on the results of that investigation.

⁶ Research shows driving while using a handheld device is potentially more dangerous than driving under the influence of alcohol: (<https://www.trl.co.uk/news/transport-select-committee-road-safety-enquiry-on-the-use-of-mobilephones>) Using an electronic device which is 'hands free' or 'factory fitted' does not constitute an offence on its own but drivers need to maintain proper control of the vehicle at all times. Any behaviour or activity other than driving may be considered an offence where control of the vehicle is compromised.

⁷ Available at : <https://www.gov.uk/penalty-points-endorsements/how-long-endorsements-stay-on-your-driving-licence>

⁸ Available at : <https://www.gov.uk/penalty-points-endorsements/how-long-endorsements-stay-on-your-driving-licence>

46. Drivers who commit parking, obstruction and other such motoring offences that do not attract penalty points are not displaying a professional approach to their work. Persistent offenders should be reported to their licensing authority who may consider a period of suspension depending on the severity and frequency of the incidents reported.

Behaviours

47. Driver behaviours that fall short of criminal behaviour but are indicators of more sinister behaviour need to be addressed to maintain confidence in the taxi trades and to stop unwanted behaviours before they evolve into criminal acts.

48. Behaviours such as

- Asking a passenger for their contact or social media details
- Asking personal or intimate questions
- Inappropriate physical contact with passengers or invade their personal space
- Inappropriate conversations, questions or behaviour

This is more important if the passenger is a lone vulnerable individual.

49. Except in the most serious of cases, drivers should be given a warning in the first instance, if appropriate sent on refresher safeguarding training and explained how the behaviour maybe perceived by a vulnerable passenger.

50. If the behaviour, on the balance of probability, is repeated and considered to be predatory in nature then any applicant should not be licensed.

51. Where an applicant or licence holder has a conviction for an offence contrary to any legislation relating to taxi or private hire activity not covered elsewhere, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Private Hire Operators

52. A private hire operator ("an operator") does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the private hire vehicle (except where they are also licensed as a private hire driver). However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others or used by the operator or their staff for criminal or other unacceptable purposes.

53. As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person.

54. Operators must ensure that any staff that are used within the business (whether employees or independent contractors) and are able to access any information as described above are subject to the same standards as the operator themselves. This can be effected by means of the individual staff member being required by the operator to obtain a basic DBS certificate. If an operator is found not to be applying the required standards and using staff that do not meet the licensing authority's overall criteria, that will lead to the operator's licence being revoked.

55. As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to operators as those applied to drivers, except motoring offences to recognise the operator is not connected with the use of a vehicle, which are outlined above.

Vehicle proprietors

56. Vehicle proprietors (both taxi and private hire) have two principal responsibilities.

57. Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times.

58. Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.

59. As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person to be granted or retain a vehicle licence.

60. As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to proprietors as those applied to drivers, which are outlined above.

Appendix 13

How to pay

To make a Taxi Licensing payment please use our [online form](#).

Once in the Taxi Licensing Payment screen, you will initially need to provide some basic contact details. All fields marked with a star(*) must be completed

From the Licence Details page, you will need to select a payment option.

You will then be asked to provide some further details regarding yourself/your vehicle and will be given the option to order any additional lanyards/badge holders/plate holders/stickers you may require.

Please note, a badge holder and lanyard is provided with new badge applications only. Please also note, 2 x door stickers are provided with new plate applications only. Any replacements will need to be purchased.

Once you have completed your payment options, you will be taken to the final payment screen to make your payment. You will receive a receipt number and a copy of your receipt will be e-mailed to you on completion.

When we have received your payment and your application has been processed, you will be contacted by telephone or e-mail to arrange collection of your documents from our Contact Centre on Parker Lane. Collections are Monday to Friday, 3:30pm-4:30pm.

Appendix 14

Conditions Relating to Private Hire Driver's Licences

Definitions

"The Council" means the Council of the Borough of Burnley.

"The identification plate" means the plate issued by the Council for the purpose of identifying the vehicle as a private hire vehicle.

"The operator" means a person holding a licence to operate private hire vehicles issued pursuant to Section 55 of the Local Government (Miscellaneous Provisions) Act 1976.

"The proprietor" has the same meaning as in section 80 of the Local Government (Miscellaneous Provisions) Act 1976.

"Taximeter" has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976.

1. The driver of a private hire vehicle shall at all times wear, whilst in the course of his duty, his private hire driver's licence to which must be affixed a passport style photograph for identification purposes. The licence must be shown, if required, to the hirer of the vehicle and to any "authorised officer" or police constable for the purposes of the Local Government (Miscellaneous Provisions) Act 1976.

2. The driver of a private hire vehicle provided with a taximeter shall:

(a) as soon as the vehicle is hired by distance and before beginning the journey, bring the machinery into action by moving the said key, flag or other device, so the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;

(b) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Transport Lighting Act 1957 and also at any other time at the request of the hirer.

3. The driver of a Private Hire vehicle shall not tamper with or permit any person to tamper with, any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.

4. The driver of a Private Hire vehicle shall not place or suffer to be placed any printed, written or other matter by way of advertisement on any part of the vehicle except with the consent of the Council.

5. The driver shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in, or entering, or alighting from the vehicle, to include carrying out and recording daily walk around checks of the vehicle at the commencement of each shift. A record of vehicle checks should be provided to the operator and a copy kept in the vehicle for 7 days.

6. The driver of a Private Hire vehicle shall not at any time smoke tobacco or like substance or permit any passenger to smoke tobacco or like substance.

7. The driver of a Private Hire Vehicle shall not, except with the express consent of the hirer, play any radio or sound reproducing equipment in the vehicle other than for communicating with the operator.

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

9. The driver of a Private Hire vehicle when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.

10. That the driver of a Private Hire vehicle shall not convey to permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage

11. The driver's badge provided by the Council shall be worn by the driver of a Private Hire vehicle in such position and manner as to be plainly and distinctly visible

12. When picking up the hirer, the driver shall make his presence known in person and shall not attract the hirer's attention by sounding the car horn, shouting or making any other disturbing noise.

13. The licensee shall not while driving or in charge of a Private Hire vehicle:

a) tout or solicit on a road or other public place any person to hire or be carried for hire in any private hire vehicle, or

b) cause or procure any other person to tout or solicit on a road or any other public place, any person to hire or be carried for hire in any private hire vehicle,

or

c) offer that vehicle for immediate hire while the licensee or that vehicle is on a road or other public place provided that merely parking that vehicle on a road or other public place shall not of itself be deemed to be a breach of this condition,

or

- d) accept an offer for the immediate hire of that vehicle while the licensee or that vehicle is on a road or other public place except where such offer is first communicated to the licensee by telephone, data system or by radio apparatus fitted to that vehicle.

14. The driver of a Private Hire vehicle so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the vehicle:

- a) convey a reasonable quantity of luggage;
- b) afford reasonable assistance in loading and unloading
- c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such a person.

15. The driver will ensure that a copy of the fare table in a form approved by the Council is exhibited inside the vehicle at all times the vehicle is being used for hire. The card must not be concealed from view, allowed to become defaced or rendered illegible.

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

17. The driver shall if requested by the hirer of a private hire vehicle provide him with a written receipt for the fare paid.

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

19. The driver of a private hire vehicle shall, if any property accidentally left therein by any person who may have been conveyed in the vehicle be found by or handed to him carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to a Police Station within the district and leave it in the custody of the officer in charge of the station on his giving a receipt for it.

20. The driver of a private hire vehicle shall, when required to do so by an authorised officer of the Council, return the driver's badge and licence to the Principal Licensing Officer and obtain a receipt for it

21. The driver of a private hire vehicle shall not permit any person to be conveyed in the vehicle without the consent of the hirer

22. The driver of a private hire vehicle shall not wilfully or negligently cause or suffer any licence plate to be concealed from public view while the vehicle is being used for the purpose of hire

23. A licensed driver must inform the Licensing Team immediately in writing and in any case not more than 7 days after the event if he / she commences work on behalf of another operator

24. The driver of a private hire vehicle must, within 48 hours, disclose to the Council in writing, details of any convictions, cautions, arrest, investigation, interview (including voluntary interview) or penalty notices for criminal or motoring offences and any pending prosecutions for such types of offences since the issue of his private hire driver's licence

25. The driver of a private hire vehicle must, within 7 days, inform the Council of any change of his home address.

26. The driver of a private hire vehicle shall report to the Council as soon as reasonably practicable, and in any case within seventy-two hours of the occurrence thereof, any accident to such private hire vehicle causing damage materially affecting the safety, performance or appearance of the Hackney Carriage or the comfort or convenience of persons carried therein. Compliance with this condition does not exempt the proprietor from his statutory liability to report accidents to the Police.

27. The driver of a private hire vehicle must inform the Council without delay about the onset or worsening of any health condition likely to cause them to be a source of danger to the public when driving either now or in the future. Examples are giddiness, fainting, blackouts, epilepsy, strokes, multiple sclerosis, Parkinson's disease, angina, "coronaries", high blood pressure, arthritis, disorder of vision, mental illness, alcoholism, drug taking and loss of limb.

28. Drivers must complete a daily walk around of their vehicle and complete the Vehicle Check Sheet Record, before the start of their shift. Records should be kept with the vehicle for a minimum of 7 days before being passed to the operator.

THIS LIST DOES NOT INCLUDE ALL THE DISABILITIES THAT MUST BE REPORTED – THESE EXAMPLES ARE GIVEN ONLY TO INDICATE THE TYPES OF DISABILITIES

Temporary conditions, other than recurrent ones, not expected to last more than three months, such as a sprained ankle or fractured arm, need not be reported.

Drivers who are in doubt about whether or not their health condition is one which should be reported should consult their doctor.

Appendix 15

Private Hire Law – Offences Related to Private Hire Vehicles

Enforcement Table – private hire provisions – Local Government (Miscellaneous Provisions Act) 1976

S.46	1) It is an offence under this section to: - a) Use a Private Hire vehicle without a vehicle licence (Owner) b) Drive a Private Hire vehicle without a licence c) Employ a driver who does not have a licence d) Operate a vehicle without an Operator's licence e) Operate a vehicle without a vehicle licence or without the driver having a Private Hire driver's licence
S.48	6) It is an offence under this section to: - a) Use, or permit to be used a licensed Private hire vehicle that does not have the plate issued by the Council correctly displayed
S.49	(1) It is an offence under this section to: - a) Fail to inform the Council in writing within 14 days of the name and address of the person to whom they have sold a licensed Private Hire or Hackney Carriage vehicle.
S.50	It is an offence under this section to: - 1) Fail to present a vehicle for test at the date and time specified by the Council. 2) If requested, fail to state in writing the address of every place where a licensed vehicle is kept when not in use and if required allow the vehicle to be inspected and tested there. 3) Fail to inform the Council within 72 hours of any accident to a licensed vehicle causing damage materially affecting its safety, performance or appearance or the comfort or convenience of passengers. 4) Fail to produce for inspection the vehicle licence and insurance certificate to an officer of the Council, when requested.
S.53	3) It is an offence under this section for a driver of a licensed vehicle to:

	a) Fail to produce their licence at the Council offices within 5 days if requested to by an officer of the Council. b) Fail to produce their licence at the Police Station within 5 days if requested to by a constable A(9) Failure to return driver's licence and badge after ceasing to be in force for immigration reasons (within the period of 7 days beginning with the day after the day on which the person first became disqualified).
S.54	(2) It is an offence under this section for a licensed driver to: - a) Fail to wear their licence badge in a plainly and distinctly visible position whilst working.
S.55ZA(8)	Failure to return operators licence after ceasing to be in force for immigration reasons (within the period of 7 days beginning with the day after the day on which the person first became disqualified).
S.55B	Subcontracting Private Hire Operator knowing that the subcontractor will use an unlicensed vehicle or driver.
S.56	It is an offence under this section for a licensed operator to: - 2) Fail to keep appropriate records of each journey, fail to produce such records when requested to by an officer of the Council or a constable. 3) Fail to keep records as required by licence conditions, relating to each vehicle operated by him, fail to produce such records when requested to by an officer of the Council or constable. 4) Fail to produce for inspection when requested by an officer of the Council or constable, their Operator's licence.
S.57	Making false statement or withholding information to obtain a Private Hire driver's or operator's licence.
S.58	2) On the expiry, revocation or suspension of a vehicle licence it is an offence to: - a) Fail to return the licence plate of the vehicle within 7 days of the service of a notice.
S.64	1) It is an offence under this section for any person to cause any vehicle other than a Hackney Carriage to wait on a Hackney Carriage rank
S.67	1) It is an offence under this section, if a person uses a Hackney Carriage as a Private Hire vehicle, to charge at a greater rate than that provided for in the

	table of fares and the journey shall be calculated from the point at which the hirer was picked up.
S.69	1) It is an offence under this section for a Hackney Carriage or Private Hire driver to: - Unnecessarily prolong, in distance or time, a passenger hiring.
S.71	(1) It is an offence under this section to: - Use a Private Hire vehicle with a taximeter unless the meter has been tested and approved by the Council. (2) Tamper with a taximeter, alter a taximeter or allow his vehicle to be used with a meter not approved by the Council.
S.73	(1) It is an offence under this section to: - a) Obstruct an officer of the Council or constable. b) Fail to comply with a request of an officer or constable. c) Fail to give an officer or constable information or assistance to allow him to carry out his function. (2) If any person gives false statement relating to a, b or c above, he shall be guilty of an offence.

Enforcement Table – private hire provisions – Transport Act 1980

S.64(2)(a)	Driving a Private Hire Vehicle with a roof sign which contravenes section 64(1).
S.64(2)(b)	Causing or permitting a Private Hire vehicle to be driven with a roof sign which contravenes section 64(1).

Appendix 16

Hackney Law - Offences relating to Hackney Carriages

Enforcement Table – Town Police Clauses Act 1847

S.40	Giving false information on application for a Hackney Carriage proprietor's licence.
S.44	It is an offence under this section for the proprietor of a Hackney Carriage to fail to notify the Council of any change of abode
S.45	It is an offence under this section to ply for hire without a Hackney Carriage licence or not to display the licence number
S.47	Driving a Hackney Carriage without a Hackney Carriage driver's licence.
S.47	Lending or parting with a Hackney Carriage driver's licence.
S.47	Hackney Carriage proprietor employing unlicensed driver.
S.48	Failure by Hackney Carriage proprietor to hold Hackney Carriage driver's licence.
S.48	Failure by Hackney Carriage proprietor to produce Hackney Carriage driver's licence.
S.52	This section requires the number of persons to be carried marked on the vehicle. If the vehicle is not so marked or the driver refuses to carry that number or less an offence is committed.
S.53	It is an offence under this section for the driver of a Hackney Carriage stood at a taxi rank to refuse to drive to any place within the Borough.
S.54	It is an offence under this section for more than the sum agreed to be demanded.
S.55	It is an offence under this section to accept, even by agreement, more than the legal fare for the journey.
S.56	It is an offence under this section, where it has been agreed to carry a passenger a distance for a fixed fee, to fail to carry the passenger for that distance.
S.57	Failing to wait after a deposit to wait has been paid.
S.58	Charging more than the legal fare.
S.59	It is an offence under this section to allow passengers to ride in the vehicle without the consent of the person who has hired the vehicle.
S.60	Driving a Hackney Carriage without the proprietor's consent.
S.60	Person allowing another to drive a Hackney Carriage without the proprietor's consent.
S.61	It is an offence under this section for the driver of a Hackney Carriage to be drunk whilst driving.
S.61	Wanton or furious driving or wilful misconduct leading to injury or danger.

S.62	It is an offence under this section for the driver of a Hackney Carriage to leave his vehicle in the street without someone proper to take care of it.
S.64	It is an offence under this section for a driver to obstruct other Hackney Carriages.

Enforcement Table – Hackney Carriage provisions – Local Government (Miscellaneous Provisions) Act 1976

S.49	Failure to notify transfer of Hackney Carriage proprietor's licence.
S.50(1)	Failure to present Hackney Carriage for inspection as required.
S.50(2)	Failure to inform Local Authority (the Council) where Hackney Carriage is stored if requested.
S.50(3)	Failure to report an accident to the Local Authority (the Council).
S.50(4)	Failure to produce Hackney Carriage proprietor's licence and insurance certificate.
S.53(3)	Failure to produce Hackney Carriage driver's licence.
S.53A(9)	Failure to return driver's licence and badge after ceasing to be in force for immigration reasons.
S.57	Making false statement or withholding information to obtain a Hackney Carriage driver's licence.
S.58(2)	Failure to return plate after notice given after expiry, revocation or suspension of Hackney Carriage proprietor's licence.
S.61(2)	Failure to surrender driver's licence after suspension, revocation or refusal to renew.
S.64	Permitting any vehicle other than a Hackney Carriage to wait on a Hackney Carriage stand.
S.66	Charging more than the meter fare for a journey ending outside the district, without prior agreement.
S.67	Charging more than the meter fare when Hackney Carriage used as a private hire vehicle.
S.69	Unnecessarily prolonging a journey.
S.71	Interfering with a taximeter.
S.73(1)(a)	Obstruction of authorised officer or constable.
S.73(1)(b)	Failure to comply with requirement of authorised officer or constable.
S.73(1)(c)	Failure to give information or assistance to authorised officer or constable.

Appendix 17

Hackney Carriage Conditions of Fitness

In the Council's view this policy is compatible with the rights and freedoms under the European Convention on Human Rights. This policy aims to provide guidance to all parties with an interest in hackney carriage vehicle licensing thereby providing transparency and consistency.

In this document the 'Council' means Burnley Borough Council (BBC)

In this document the term "approved" or "approved by BBC" means approved by Burnley Borough Council.

A 'licence' and 'licensed' (and cognate expressions) refer to the granting of a licence by BBC under section 37 of the Town Police Clauses Act 1847 and section 47 of the Local Government (Miscellaneous Provisions Act 1976)

The Conditions of Fitness (CoF) in this document set out the conditions of fitness that must be met by any Hackney Carriage vehicle to be licensed as such in Burnley. BBC reserves the right to amend the COF should there be situations which require it, such as amendments to national or international laws with respect to road vehicles or air quality.

These may include for example, changes arising from disability legislation or the implementation of European emissions and air quality laws or changes to taxi licensing legislation.

No vehicle will be licensed as a hackney carriage vehicle unless it is fit for purpose and conforms to the requirements in this document unless the Council exempts a vehicle from those requirements after a request by an applicant and where, having regard to the exceptional circumstances it considers it reasonable to do so.

Procedure to be followed by manufacturers and proprietors who wish to licence for the first time a vehicle (not previously licensed) as a hackney carriage in Burnley.

1. Approval for new vehicles that may be suitable to be licensed as a Hackney Carriage vehicle in Burnley

1.1 Consideration for the approval of a new type of vehicle that may be suitable to be licensed as a Hackney Carriage vehicle must be made in writing to BBC and must be accompanied by documentary evidence that it complies in all respects with the following:

- i. All respects of the requirements of the Motor Vehicle (Type Approval) Regulations 1980
- ii. The Motor Vehicle (Type Approval) Regulations (Great Britain 1984)
- iii. The Motor Vehicles (EC Type Approval) Regulations 1998 and with any further national or international legislation as may be applicable.
- iv. The Road Vehicles (Construction and Use) Regulations 1986 (C & U).

v. All respects of British and European vehicle regulations and be “type approved” to the requirements of the M1 category of European Whole Type Approval Directive 2007/46/EC as amended.

vi. Note: If a vehicle has not been “type approved” to the M1 category (e.g. conversions) approved certification be provided that confirms that the specific vehicle meets the requirements of that category vii. The vehicle must be able to facilitate the carriage of disabled persons and of accommodating a disabled person in a wheelchair (as stipulated in section 14 of CoF) in the passenger compartment.

1.2 Maximum and minimum age of vehicles please refer to 3a of the CoF.

1.3 Vehicles will be allocated an appointment date and time for an inspection to be carried out by BBC or their approved agent. If the vehicle conforms to the approved type a ‘certificate of approval’ will be issued by or on behalf of BBC.

1.4 Alterations and Modifications following vehicle approval inspection– a request in writing fully specifying the proposed alterations /modifications to the approved vehicle must be made in writing to BBC. Prior written approval from BBC for the specified alterations/modifications must be obtained prior to any work being carried out on the vehicle.

1.5 Renewal of vehicle licence –the approved vehicle may be renewed in line with the normal renewal application process.

1.6 It is recognised that DfT best practice guidance supports licensing of different types of vehicles and therefore the Conditions of Fitness are seen as a general guide, Vehicles that do not meet every element of the Conditions of Fitness may still be considered by the Councils Licensing Committee for approval – however it is expected that any such vehicle will be able to meet the needs of Burnley’s community in particular people with disabilities.

Index to terminology

*DfT reference wheelchair – is the standard size set by DfT detailed within the ‘Public Service Vehicle Accessibility regulations 2000 guidance

**Squab – refers to the seat cushion the passenger sits on. The measurement is taken from the centre of the seat cushion outwards into the vehicle to ensure enough distance between facing seats to accommodate a seated person (room for knees)

	General Construction
1	The vehicle will comply with:
a	All respects of the requirements of the Motor Vehicle (Type Approval) Regulations 1980
b	The Motor Vehicle (Type Approval) Regulations (Great Britain 1984)
c	The Motor Vehicles (EC Type Approval) Regulations 1998 and with any further national or international legislation as may be applicable.
d	The Road Vehicles (Construction and Use) Regulations 1986 (C & U).
e	All respects of British and European vehicle regulations and be “type approved” to the requirements of the M1 category of European Whole Type Approval Directive 2007/46/EC as amended.
f	Note: If a vehicle has not been “type approved” to the M1 category (e.g., conversions) approved certification must be provided that confirms that the specific vehicle meets the requirements of that category
2	Radio Apparatus
	The vehicle must be able to facilitate the carriage of disabled persons and accommodate a disabled person in a *DfT reference wheelchair in the passenger compartment 3 a
3	Maximum Age of Vehicles
a	The vehicle must comply with Burnley Borough Council age policy .
4	Steering
a	The steering wheel must be on the offside of the vehicle
5	Modifications/Additional Equipment
a	No equipment and or fittings, other than those approved may be attached to, or carried on the inside or outside of, the vehicle
b	No modifications may be carried out to the vehicle without prior written approval of the Council. Written proposals for any vehicle modification should include appropriate information from the vehicle manufacturer that the modification can be accomplished without compromising the vehicle specification
6	Tyres
a	Vehicles must have tyres that comply with the relevant legislation Specifically, re-tread tyres must comply with BS AU 144E as amended and be marked accordingly.
b	Tyres should be of the designated size, speed and weight rating for that make and model of vehicle as prescribed by the vehicle manufacturer.
7	Brakes
a	The vehicle must have an anti-lock braking system fitted
8	Interior Lighting
a	The vehicle must be fitted with adequate lighting for the driver and passengers

b	The vehicle must be fitted with separate lighting controls for both passenger and driver.
c	The vehicle passenger compartment will have an illuminated control switch fitted, which is within reach of wheelchair passengers
d	The vehicle should have lighting provided at floor level to each passenger door, which is activated by the opening of the doors
9	Electrical Equipment
a	Any additional electrical installation and/or after-market components, used within the vehicle, must meet the requirements of the relevant Automotive Electro Magnetic Compatibility (EMC) Directive, as amended, and be marked accordingly.
10	Fuel Systems
a	The vehicle must have a device provided whereby the supply of fuel to the engine may be immediately cut off.
b	If a manually operated device is fitted, the location together with the means of operation and "off" position must be clearly marked on the outside of the vehicle? In the case of a vehicle fitted with an automatic inertia fuel cut off switch, no markings are required.
c	Where the engine is powered by liquid petroleum gas (LPG), compressed natural gas (CNG), liquid natural gas (LNG), petrol or any combination of these fuels, the vehicle must be fitted with an automatic inertia fuel cut off device.
d	The vehicle must have a manually operated fuel cut off device externally mounted which is easily visible and readily accessible at all times from the outside of the vehicle with its location and means of operation clearly marked
e	Where a conversion to LPG has been undertaken 'post' manufacturing the Council will only licence such vehicles where the applicant is able to produce an LP Gas Association Conversion Certificate in relation to the vehicle. (photocopies will not be accepted) In all cases any certificate of insurance produced in support of an application must indicate that the vehicle is insured to run on LPG
11	Exhaust Emission Standards
a	When a vehicle is first licensed (including a replacement vehicle) it is expected to meet (and maintain) the current or immediate previous Euro emission standard.
12	Body
a	The body must be on the fixed head type with a partially glazed partition separating the driver from the passenger
b	The overall length must not exceed 5 metres. This is essential for determining the size of taxi ranks, other pickup points and for the free access and flow of other vehicles.
13	Facilities for the Disabled
a	Every taxi must be equipped to approved standards in order that wheelchair passengers may be carried.
b	The vehicle must have i. anchorages provided for wheelchair tie downs and the wheelchair passenger restraint

	ii. anchorages that are either chassis or floor linked and capable of withstanding approved dynamic or static tests iii. anchorage restraints for wheelchair and occupant independent of each other iv. anchorages provided for the safe stowage of a wheelchair when not in use, whether folded or otherwise, if carried within the passenger compartment v. anchorages and restraints designed so that they do not cause any danger to other passengers
c	The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 75cm and a minimum angle of a hinged door when opened must be 90 degrees
d	The clear height of the doorway must not be less than 1.2 metres
e	Grab handles must be placed at door entrances to assist the elderly and disabled. All grab handles must be in a contrasting colour
f	The top of the tread for any entrance should normally be at floor level of the passenger compartment and comply with the following requirements: i. be not more than 380mm from the ground, (measured at the centre of the tread width) ii. the surface shall be covered in a slip-resistance material and have a band of colour across the entire width of the edge which shall contrast with the remainder of the tread and floor covering
g	Should any entrance be more than 380mm from the ground, an external interim step must be available when the associated passenger door is opened and comply with the following requirements i. not be more than 380mm in height from the ground, (measured at the centre of the step width) ii. be not less than 250mm deep iii. the surface shall be covered in a slip-resistant material iv. have a band of colour across its leading edge which shall contrast with the remainder of the step and floor covering v. not be capable of being operation whilst the vehicle is in motion vi. if automatic or powered be fitted with a safety device which stops the motion of the step if the step is subject to a reactive force not exceeding 150N in any direction if that motion could cause injury to the passenger vii. can fold or retract so that it does not project beyond the side face of the vehicle and the vehicle is not capable of being driven away unless the step is folded or retracted
h	Where seats are placed facing each other, there must be a minimum space of 42.5cm between any part of the front of a seat and any part of any other seat which faces it, provided adequate foot room is maintained at floor level
i	Where all seats are place facing to the front of the vehicle, there must be clear space of at least 66cm in front of every part of each **seat squab, measured along a horizontal plane at the centre of the cushion

j	A ramp for the loading of a wheelchair and occupant, which is available at all times for use, as a minimum, at the nearside passenger door. The ramp must have a safety lip, be 70cm wide, as a minimum, and comprise a single non-slip surface. It is desirable for this facility to be available at the offside passenger door also. An adequate locking device must be fitted to ensure that the ramp does not slip or tilt when in use. Provision must be made for the ramp to be stowed safely away when not in use.
k	Any equipment fitted to the vehicle for the purpose of lifting a passenger travelling in a wheelchair must have been tested in accordance with the requirements of the Lifting Operations and Lifting equipment regulations 1998. Any equipment must be maintained in efficient working order so as to be available for use at all times.
14	Passenger Comfort
a	When fitted, occasional seats must be at least 40cm in width and the distance from the back of the upholstery to the front edge of the seat must not be less than 35.5cm.
b	Occasional seats must be so arranged as to rise automatically when not in use. They must be placed at least 4cm apart. When not in use, they must not obstruct doorways.
c	Suitable means must be provided to assist persons to rise from the rear seat, with particular attention to the needs of the elderly and disabled.
d	The rear seat dimensions must be adequate to carry the appropriate number of adult passengers comfortably.
e	Lap and diagonal seatbelts must be fitted on all seats (including rear facing seats).
f	Head restraints must be fitted to all forward and rear facing seats. The design of headrests should maximise the rear sightedness for the driver when any of the passenger seats are not occupied.
g	An induction loop system (or equivalent) must be fitted.
15	Driver's Compartment
a	The driver's compartment should be designed so that the driver has adequate room, can easily reach, and quickly operate, the controls.
b	Controls should be placed to allow reasonable access to the driver's seat, when centrally placed, and be properly protected from contact with luggage
c	The vehicle must be provided with an approved means of communication between the passenger and the driver. If a sliding window is fitted on the glazed partition, the maximum width of the opening must not exceed 11.5cm
d	Where a single-piece partition is fitted, a facility must be provided for making payment to the driver
e	The headrests should maximise rear sightlines for the driver, when any of the passenger seats are not occupied.
f	The vehicle must have an adequate heating and ventilation system provided for the driver and passengers and an independent control by the driver and for the passengers all switches must be within easy reach of seated passengers, including those in wheelchairs

16	Driver Visibility
a	The vehicle should be fitted with a single piece, full-width, rear window
17	Passenger Visibility
a	The windows should maximise passenger visibility into and out of the vehicle. The top of the window line for front and side windows, when measured vertically to the top of the visible portion of the glass, must not be less than 780mm on any glass panel forward of or beside the seated passenger. The vertical distance is to be measured through the E point as defined in Directive 77/649/EEC, from the top of the uncompressed rear forward facing passenger seat cushion to the first point of totally obscured glass. Manufacturers are to declare conformity to this condition by way of a drawing. The bottom of the window area in the passenger compartment.
b	Windows must permit maximum visibility into and out of the vehicle. They must have a light no more than 25% tint value.
c	Windows must be capable of being opened easily by passengers, including those in wheelchairs, when seated. The control for opening a window must be clearly identified to prevent being mistaken for any other control.
d	A proportion of the window area in the passenger compartment must be able to be opened by the passenger.
18	Heating and Ventilation
a	An adequate heating and ventilation system must be provided for the driver and passengers and means provided for independent control by the driver and the passengers. All switches must be within easy reach of seated passengers, including those in wheelchairs.
19	Door Fittings
a	An approved type of automatic door securing device must be fitted to passenger doors to prevent them from being opened when the vehicle is in motion. When the vehicle is stationary the passenger doors must be capable of being readily opened from the inside and outside of the vehicle by one operation of a latch mechanism. The door must not open from the inside if the driver has the foot brake depressed. The interior door handle must be clearly identified to prevent it being mistaken for any other control.
20	Fare Table
a	A frame must be provided for the fare table fixed in an approved place.
21	Floor Covering
a	The floor of the passenger compartment must be covered with a slip resistant material, which can be easily cleaned. The floor covering must not impede the movement of wheelchairs. The colour of the floor must contrast with any up-stand areas around it and with the colour of the seats.
22	Luggage
a	Suitable dedicated provision for the secure carriage of luggage should be made, separated from the passenger compartment and proportionate to the number of passengers carried.
23	Taxi Sign

a	The vehicle must display a "Taxi" sign, approved by the Council which can be clearly visible both by day and night when the taxi is available for hire.
24	Radio Apparatus
a	The vehicle must be suitable for the fitting of radio equipment NB. The equipment fitted must have been approved by the council.

Appendix 18

HMRC Tax Check

What you need to do will depend on whether you're applying for a licence for the first time or whether you're making a subsequent application, such as renewing a licence.

Getting a new licence: If you are applying for a licence for the first time, you will not need to complete the tax check. However, you will need to read HMRC guidance on what you need to do to be properly registered for tax in the future and you'll need to confirm you have done this. To access this guidance, please visit:

[Confirm your tax responsibilities when applying for a taxi, private hire or scrap metal licence - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/confirm-your-tax-responsibilities-when-applying-for-a-taxi-private-hire-or-scrap-metal-licence)

Renewing a licence: If you renew or apply for a subsequent licence with a different local authority, you'll have to do a tax check. You'll be able to do this online through a digital service.

For guidance on the tax checks, please visit:

[Complete a tax check for a taxi, private hire or scrap metal licence - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/complete-a-tax-check-for-a-taxi-private-hire-or-scrap-metal-licence)

Appendix 19

A Guide to Hackney Carriage and Private Hire Driver's 3 Year Licence Applications

Applications are subject to the following pre-application requirements. For renewals, this includes a requirement for refresher safeguarding training and a HMRC tax check, or for new applicants, confirmation that you understand the HMRC tax requirements and evidence that you have passed the Safer Cabbying Assessment. You must submit the following information with your new or renewal driver application

- A fully completed application form
- Evidence of age (You must be over 21)
- Evidence of a valid DVLA driver licence, held for at least 12 months
- Evidence that you have successfully complete the Council's approved online Safeguarding Awareness Training or refresher course
- Evidence that you have successfully passed the Council's face to face Safer Cabbying assessment in the period leading up to application ([new applicants](#)).
- HMRC Tax check code
- Enhanced DBS check, and evidence of sign up to the DBS Update Service ie DBS reference code
- A new medical certificate
- 1 passport size photograph of yourself
- Proof of your right to work in the UK

Applications will not be accepted until all the above information is provided.

Please visit our website for the most up to date application form.

Please apply in good time, as when your current licence expires you will not be able to drive until a renewal licence is granted.

In order to make an appointment to submit your driver application, please telephone 01282 425011 or email: licensing@burnley.gov.uk or in person at the Contact Centre, Parker Lane, Burnley, BB11 2BY.

TESTS MUST BE BOOKED TWO MONTHS BEFORE YOU INTEND TO MAKE YOUR APPLICATION TO ALLOW SUFFICIENT TIME TO CHOSE A DATE FOR YOUR COURSE.

- Safeguarding Awareness Training course: <https://www.trybooking.co.uk/BAIK>

Payment is by credit or debit card direct to the provider.

Please note that in the event you do not attend the payment is non- refundable.

- Face-to-Face Safer Cabbying assessments:

- 1) Make payment for a test online: [Making a Taxi Licensing Payment - burnley.gov.uk](https://burnley.gov.uk)
- 2) We will use the phone number you provide to get in touch to arrange a test appointment
- 3) Test will be completed at Contact Burnley, Parker Lane, Burnley
- 4) Results will be emailed to you
- 5) The email confirming you have passed should then be included in your application pack.

Further information visit: [Taxi Licensing - burnley.gov.uk](https://burnley.gov.uk)

- The application form must be completed in full.
- It includes a question as to whether you have any convictions, cautions, reprimands or warnings recorded against you for any offence, including endorsable fixed penalty tickets, motoring offences and penalty points. If you answered **YES** to the above question you must enter details in the section on the next page of the application form. Failure to declare any of the above matters, NO MATTER HOW OLD THEY ARE, is an offence and is likely to result in prosecution and subsequent refusal of your application.

Note: Notwithstanding the provisions of the Rehabilitation of Offenders Act 1974, spent convictions or cautions are, by virtue of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 disclosable for the purposes of this application unless they have been defined by the 1975 Order as being “protected”.

A copy of the 1975 Order can be downloaded free of charge at: www.legislation.gov.uk

“IF ANY PERSON KNOWINGLY OR RECKLESSLY MAKES A FALSE STATEMENT OR OMITTS ANY MATERIAL PARTICULAR IN GIVING THE FOLLOWING INFORMATION HE SHALL, UNDER SECTION 57 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 PART II, BE GUILTY OF AN OFFENCE”.

- Private Hire driver forms must be endorsed with the stamp of the licensed operator who will hire the vehicle.

Safer Cabbying assessment:

- New applicants for a driver licence need to complete the face-to-face Safer Cabbying Assessment before submitting their licence application. They will not have to take the Safer Cabbying Assessment again, provided that they remain continuously licensed with Burnley Borough Council (this includes ensuring that renewal applications are submitted prior to the expiry of the existing licence).
- The test will involve you being required to have a good knowledge of the Highway Code as well as being familiar with various locations and routes to key destinations such as hospitals, entertainment venues etc. You must also understand the requirements placed on you by the law and by the conditions that are attached to hackney carriage/private hire driver's licences.
- A practice test to familiarise you with the format of the test is available online. As are examples of the licence conditions and a summary of the legislation, which you should familiarise yourself with prior to the test. They can be found on the taxi pages of the Councils website here:

[Safer Cabbying - burnley.gov.uk](http://burnley.gov.uk)

MEDICALS:

- A medical form should be completed by your registered GP certifying that you are fit to drive.
- Only where your registered GP does not provide this service, are you permitted to contact an agency Doctor, who is registered with the GMC, and qualified to provide Group 2 medicals. The person undertaking the medical will be required to confirm that they have had access to the applicant's full medical records when completing the medical form.

DBS:

- An enhanced DBS should be arranged with Taxi Plus. Contact details of Taxi Plus are: www.taxiplus.co.uk

They will submit your DBS application to the Data and Barring Service electronically. Burnley Council has a dedicated page on the Taxi Plus website. Here you will find guidance on how to pay online for your DBS check and how to begin the application process.

Information also includes details of the DBS update service subscriptions which must be completed either at the time you apply for a DBS certificate or 28 days after the date of issue of the certificate. You will be provided with a reference to show you subscribe to the update service and you will need this reference to include on your application form.

The following link can be used to arrange DBS Update Service Subscription:

<https://secure.crbonline.gov.uk/crsc/apply?execution=e4s1>

The update service is only available for enhanced DBS certificates. As part of the application process, you will need to have your identity documents verified.

At the present time this can only be done by providing copies or good quality images of your identification documents directly to Taxi Plus free of charge. Your Enhanced DBS certificate will then be processed. Once it is completed it will be posted to your home address.

- Once you have received your DBS certificate you should include it in your application pack and insert the DBS update service reference number onto the application form.

NB: By applying for a licence you will be consenting to a DBS review being carried out every 6 months.

Right to Work:

A licence will not be issued to an individual or an individual in a partnership which is not a limited liability partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any licence issued will expire when the right to work expires and will become invalid when a licence holder ceases to be entitled to work in the UK. Applicants must demonstrate that you have the right to work in the UK and are not subject to a condition preventing you from doing work relating to the carrying on of a licensable activity.

You can do this in one of two ways:

1) by bringing with you original documents (as determined by the Home Office) which will be copied and scanned onto our system that demonstrates your entitlement to work in the UK.

2) by providing your **'share code'** to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Home Office online right to work checking service.

As an alternative to providing a copy of original documents, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their share code (provided to them upon accessing the service at: <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth, will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be shared digitally.

The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copies of documents as set out above.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office.

We are unable to process taxi licence applications until such time as you are able to prove your right to work. The documents you can use to demonstrate your right to work are listed in the Right to Work Appendix guidance.

DVLA Checks:

- By applying for a driver licence you will be consenting to your details being used to carry out DVLA checks every 12 months.

HMRC Tax Checks:

- First time applicants will need to sign to say they understand the tax requirements.

Further information on this, can be found here:

[Confirm your tax responsibilities when applying for a taxi, private hire or scrap metal licence - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/confirm-your-tax-responsibilities-when-applying-for-a-taxi-private-hire-or-scrap-metal-licence)

- If you have held a taxi driver or operator's licence with any licensing authority within the last 12 months will need to complete a tax check and include the code on your application form.

Further information on tax checks can be found here:

[Complete a tax check for a taxi, private hire or scrap metal licence - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/complete-a-tax-check-for-a-taxi-private-hire-or-scrap-metal-licence)

Payment:

- [Payment information](#) is also on the council's website

DECISION MAKING:

The information submitted will be considered and applications granted in line with our fitness and propriety requirements which include the convictions policy available on the taxi pages of the Council's website.

PLEASE NOTE: Licences normally last for 3 years, expiring 3 years from the date of the medical. There are some special circumstances where 12-month licences will be issued, e.g. medical issues.

At 3-year renewal, medicals, Safeguarding training, right to work and tax checks should be refreshed.

This means that once a licence is granted you will not normally be required to attend the Contact Centre until your licence is due for renewal.

In determining whether a person is a fit and proper person to hold a licence, in the interest of protecting the public, the Council share information with other local authorities registered with the National Anti-Fraud Network (NAFN).

This database includes the National Register of Taxi/Private Hire Licence Refusals & Revocations (NR3S).

It should also be understood by any individual considering applying for a new Hackney Carriage or Private Hire Driver's licence or renewal, that Authorised Officers will conduct enforcement activities to identify non-compliance with licensing conditions and/or unlawful activity.

Appendix 20

Private Hire Operator Licence Applications

You must submit the following information with your new or renewal operator application

- A fully completed application form
- HMRC Tax check code
- Enhanced DBS check, and evidence of sign up to the DBS Update Service i.e. DBS reference code (unless a current driver licence is already held with Burnley Council)
- Proof of your right to work in the UK
- Proof of planning permission for the address where the business is to operate from. If the premises are to operate as a base, the planning permission will include details of parking provision arrangements for the number of vehicles intended to be used under the terms of the Operator's licence.
- Proof of holding a radio transmission licence (and planning permission for any aerial) if such radios are used by the Operator.
- A current and original insurance document for Employees/Public Liability cover. This cover must be in place when Operators are employing any full or part-time staff (e.g. radio operator, dispatcher or drivers etc).
- A passport size photograph.

Applications will not be accepted until all the above information is provided. Licence renewal applications should be submitted two weeks prior to expiry. When your current licence expires you will not be able to operate PH vehicles until a renewal licence is granted.

In order to make an appointment to submit an operator application, please contact the Taxi Licensing Team either by telephone 01282 425011 or email licensing@burnley.gov.uk or in person at the Contact Centre, Parker Lane, Burnley, BB11 2BY. (Vehicle applications should still be made via the drop box)

Further information:

Completion of the application form:

- The application form must be completed in full.
- The Operator name must be unique and limited to 20 characters.
- It includes questions relating to previous licence Refusals, Revocation and Suspensions and whether you have any convictions, cautions, reprimands or warnings recorded against you for any offence, including endorsable fixed penalty tickets, motoring offences and penalty points.

If you answer YES to the above questions, you **must** enter details in the relevant section on the application form.

Failure to declare any of the above relevant matters, is an offence and is likely to result in prosecution and subsequent refusal of your application.

Note: Notwithstanding the provisions of the Rehabilitation of Offenders Act 1974, spent convictions or cautions are, by virtue of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 disclosable for the purposes of this application unless they have been defined by the 1975 Order as being “protected”.

Your attention is brought to section 5.5 of this Policy which provides further information on protected convictions and protected cautions.

A copy of the 1975 Order can be downloaded free of charge at www.legislation.gov.uk

“IF ANY PERSON KNOWINGLY OR RECKLESSLY MAKES A FALSE STATEMENT OR OMITTS ANY MATERIAL PARTICULAR IN GIVING THE FOLLOWING INFORMATION HE SHALL, UNDER SECTION 57 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 PART II, BE GUILTY OF AN OFFENCE”.

Planning Approvals:

The Operator Licence will be attached to the main business address. Where the business is also carried on from satellite premises those addresses should be

provided. Details of planning approval for all premises to be used as either a call centre or base should be provided. Any changes to the off-street parking arrangements at bases should be subject to a variation in planning consent. Planning consent will determine the number of vehicles permitted on the operator licence. The satellite addresses will appear as 'Additional Conditions' on the Operator Licence.

DBS:

- Where required, a basic DBS should be arranged with Taxi Plus. Contact details of Taxi Plus are www.taxiplus.co.uk They will submit your DBS application to the Data and Barring Service electronically. The Basic DBS must have been issued within 28 days previous to the completed licence application being submitted.

Burnley Council has a dedicated page on the Taxi Plus website.

Here you will find guidance on how to pay online for your DBS check and how to begin the application process.

As part of the application process, you will need to have your identity documents verified.

At the present time this can only be done by providing copies or good quality images of your identification documents directly to Taxi Plus free of charge.

Right to Work:

A licence will not be issued to an individual or an individual in a partnership which is not a limited liability partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any licence issued will expire when the right to work expires and will become invalid when a licence holder ceases to be entitled to work in the UK.

Applicants must demonstrate that you have the right to work in the UK and are not subject to a condition preventing you from doing work relating to the carrying on of a licensable activity.

You can do this in one of two ways:

1) by bringing with you an original document (as determined by the Home Office) A which will be copied and scanned onto our system that demonstrates your entitlement to work in the UK.

2) by providing your 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Home Office online right to work checking service.

As an alternative to providing a copy of original documents, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their '**share code**' (provided to them upon accessing the service at: <https://www.gov.uk/prove-right-to-work> which, along with the applicant's date of birth, will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be shared digitally. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copies of documents as set out above.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office.

We are unable to process taxi licence applications until such time as you are able to prove your right to work. The documents you can use to demonstrate your [right to work](#) are listed on the Operator's Licence application form.

HMRC Tax Checks:

- First time applicants will need to sign to say they understand the tax requirements, but if you have held a taxi driver or operator's licence with any licensing authority within the last 12 months you will need to complete a [tax check](#) and include the code on your application form.
- Further information on tax checks can be found [here](#)

Payment:

- [Payment information](#) is also on the Council's website

DECISION MAKING:

The information submitted will be considered and applications granted in line with our fitness and propriety requirements which include the convictions policy available on the taxi pages of the Council's website.

Appendix 21

Private Hire Operator - Pre-Licence Conditions

PRE-LICENCE CONDITIONS RELATING TO PRIVATE HIRE OPERATOR'S LICENCE MADE UNDER LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 (The Act)

Interpretation

In these pre-licence conditions:-

- (a) "The Council" means Burnley Borough Council.
- (b) "the Operator" means the person to whom the Council grants a Private Hire Operator's Licence to which these conditions will apply. In the case of a partnership to each of the partners. In the case of a company to each of the company directors.
- (c) Any obligation in these conditions not to do any act or thing shall be deemed to include an obligation not to cause or permit that act or thing to be done.

REQUIREMENTS TO BE IN PLACE AT THE TIME OF THE APPLICATION TO BE MAINTAINED THROUGHOUT THE PERIOD OF THE LICENCE

1. The Operator must carry out his business from premises within the Borough. The premises will either be a base, where the public can make personal bookings and/or vehicles will be present from time to time, or the premises will be a stand-alone call centre/office which solely handles calls and electronic communications for the purpose of booking private hire vehicles.
2. The Operator is required to provide proof of planning permission for the address where the business is to operate from. If the premises are to operate as a base, the planning permission will include details of parking provision arrangements for the number of vehicles intended to be used under the terms of the Operator's licence.
3. The off-street car parking shall not be used for any purpose other than the parking of private hire (and staff) vehicles and in particular not for the repair, servicing or maintenance of vehicles.
4. The Operator is required to provide proof of holding a radio transmission licence (and planning permission for any aerial) if such radios are used by the Operator.
5. The Operator is required to produce a current and original insurance document for Employees/Public Liability cover. This cover must be in place when Operators are employing any full or part-time staff (e.g. radio operator, dispatcher or drivers etc)
6. The Council will only issue a licence to operate the number of vehicles that is authorised by planning permission as per paragraph 2 above.

7. The trading name to be used by the operator should be unique and limited to 20 characters in length
8. Booking Offices open to the public must have CCTV coverage which operates on a 90-day loop. Footage should be provided to authorised officers on request.

Appendix 22

Private Hire Operator Conditions

REQUIREMENTS TO BE IN PLACE THROUGHOUT THE PERIOD OF THE LICENCE

1. The operator's premises shall be kept clean, adequately heated, ventilated and lit, and the operator shall ensure that any public waiting areas for the use of prospective hirers shall be provided with adequate and clean seating.
2. The operator shall ensure that office staff employed by him act in a civil and orderly manner at all times.
3. The operator shall comply with any reasonable requirement of the Council or any of its authorised Officers or of a Police Officer.
4. The operator must keep an accurate record of every booking that is accepted. Loss of records must be reported to the Licensing Authority within 24 hours and immediately to the police. The records must be kept at the business address/addresses at all times and must not be duplicated. All records must be in English and be permanent.
5. The operator shall, before the commencement of each journey, record in a manner prescribed by the Licensing Authority, the following details of each booking:
 - (i) The time and date the booking was received and, if required, any subsequent cancellation;
 - (ii) The method by which the booking was received (e.g. telephone, email, electronic application etc.);
 - (iii) The person taking the booking (or in the case of a computer system, the identity, including the site/location of where the booking was received);
 - (iv) The time and date of the journey;
 - (v) The address/premises from which the journey will commence and the address/premises of the destination;

- (vi) The registration and plate number of the private hire vehicle that is to be used for the booking;
- (vii) The name, badge number and call-sign of the driver of the vehicle to be used;
- (viii) Remarks, including details of any subcontracting to another licensed operator.
- (ix) The name of the person dispatching the vehicle.

Each booking must be recorded consecutively in the chronological order of the time the booking was received.

If manual/paper records are used, these should be in the form of bound booklets (loose leaf ring binders are not acceptable).

If computerised records are kept, the system used must be capable of immediately printing out details of any or all bookings on request from an Authorised Officer.

6. The Operator shall keep a record in a format approved by the Council of the following particulars of any private hire vehicle operated and displayed on the premises:

- (a) Licence plate number
- (b) Registration number
- (c) Make and model of vehicle
- (d) Name and address of owner of vehicle
- (e) Records of all vehicle safety checks completed at the commencement of a driver's shift

7. The Licensee shall keep a record in a format approved by the Council of the following particulars of all licensed private hire vehicle drivers engaged to drive any private hire vehicle operated by him or her:

- (a) Full names of the driver
- (b) Full permanent address of the driver
- (c) Private Hire Driver's badge number
- (d) Date employment commenced
- (e) Date employment terminated.
- (f) The date(s) of the satisfactory completion of training including instruction on the completion of daily vehicle checks and the taxi modules of The REAL disability training programme. Training should be completed for all new drivers and should be undertaken at the licence renewal of existing drivers.

8 a. The Operator shall inform the Council in writing or by email of any changes to the list of drivers being operated under the terms of his/her Operator's Licence as soon as possible and in any case within 7 days of such change.

- b. The operator is required to notify Burnley Borough Council and Lancashire Police in writing or by email as soon as reasonably practicable, and in any case within 1 working day, of any complaints of sexual impropriety, or behaviour which may compromise the safety and welfare of children, received by them or their company about any of their drivers or other members of staff.
- c. The operator is required to notify the Council as soon as possible (and in any event within 5 working days) of any other complaints or information received about any of their drivers or other members of staff that may undermine their fitness or propriety.
- d. Prior to deploying any person to undertake 'booking/dispatch clerk' duties the operator shall require the person to obtain a basic Disclosure & Barring Service (DBS) basic disclosure check. The operator should determine that person to be fit and proper to undertake booking/dispatch office responsibilities. The Operator shall maintain a register of all persons employed solely to undertake the role of booking/dispatch clerk. This requirement includes dates of annual DBS reviews for as long as they remain in their employment. Their employment status i.e. full time, part time or casual staff whether paid or unpaid. Such records shall also include the employee's full name, address, date of birth and National Insurance Number together with a copy of photo identity. i.e. passport, photo driving licence.
- e. The operator shall ensure that all records include the commencement and termination of any shift or work periods for any person acting as a booking/dispatch clerk and record his/her start and finish times and dates. Manual/paper records should include the booking &/or dispatch clerk's signature and his/her name in the private hire booking records. Computerised private hire booking records should include the booking/dispatch clerk's personal username.
- f. The operator shall maintain written records of all passenger transfer contracts held by the company and make those records available for inspection by an authorised officer on request.

For the purpose of these conditions a 'booking/dispatch clerk' is any person tasked by an operator to receive and/or record any private hire booking and/or deploy any private hire vehicle.

- 9. The records in Conditions 4, 5, 6 & 7 above must be kept for a minimum period of twelve months following the date of the last entry.
- 10. The Operator shall produce all or any of the records specified in Conditions 4, 5, 6 & 7 above on request of any authorised officer of the Council, or of any Police Constable.
- 11. The Operator shall not operate any vehicle for private hire work which is not currently licensed as a Private Hire Vehicle by the Council.

12. The Operator shall ensure:
 - (a) that any private hire vehicle operated by him or her is in a suitable mechanical condition, safe, comfortable, clean and roadworthy.
 - (b) that the vehicle is insured at all times for the carriage of passengers for hire or reward under the terms of a private hire vehicle licence
13. The Operator shall not employ whether directly or indirectly any driver to drive any private hire vehicle unless the driver has a current Private Hire Driver's Licence granted by the Council.
14. This Licence only permits the Operator to operate private hire vehicles from the authorised premises mentioned in the Licence.
15. The Operator shall notify the Council's Licensing Team of any material change in the particulars originally supplied to the Council when this Licence was applied for within seven days.
16. The Licence is not transferable.
17. The Licence is valid until the date of expiry of this licence.
18. The Operator shall exhibit this Licence in a conspicuous position at the authorised premises and if these premises include an office habitually used by members of the public seeking to arrange the hiring of private hire vehicles shall exhibit this Licence in the office in a position where it may be easily read by members of the public calling at the office.
19. The Operator shall cause a statement of fares to be fitted and maintained in such a position in each licensed private hire vehicle and in the operator's premises to be clearly visible at all times to the hirer. The statement shall clearly show the following:
 - a. The minimum charge of each hiring (if any)
 - b. The fare tariff
 - c. The retention charge per minute or portion thereof
 - d. Any additional charges.

20. The Operator shall produce this Licence on request to any authorised officer of the Council, or to any Constable for inspection.
21. No operator of a private hire vehicle which is licensed by the Authority shall invite or accept a booking for such a vehicle, or control or arrange a journey to be undertaken by such vehicle, without first making available in writing, or giving orally, to the person making the booking, information as to the basis of charge for the hire of the vehicle.
22. The Operator will ensure that any vehicle hired shall, unless delayed or prevented by sufficient cause, punctually attend the appointed place.
23. The Operator must notify the Council in writing within seven days of receiving any caution or conviction or of any arrest or impending prosecution against him/her.
24. No advertising material, sign, letter headings or other stationery, or any business name shall be used by the Operator including the words "Taxi" or "Cab", whether in the singular or plural and whether they form part of another word or not, other than where those words appear in the operator's website and/or email address and/or mobile application.
25. Additional charges to take into account time to load or unload a disabled or wheelchair users cannot be added to a fare.
26. Booking Offices open to the public must have CCTV coverage which operates on a 90 day loop. Footage should be provided to authorised officers on request.

APPENDIX 23

TAXI LICENSING ENFORCEMENT PROTOCOL

1 Enforcement Policy Statement

1.1 This policy is in place to:

- Protect public safety
- Protect the commercial interests of the Borough's taxi licence holders
- Deliver fair, consistent, transparent, accountable and proportionate regulation across the taxi service
- Target action at those cases where it is needed.

1.2 The policy assists Burnley Borough Council to ensure that taxi drivers and operators provide a service to customers that is compliant with both the relevant law, and the conditions attached to the various licences.

1.3 All regulatory and enforcement action, be it the refusal of licences, verbal/written warnings, appearance before the Licensing Committee, use of statutory notices, suspension, revocation or prosecution, will primarily be based upon the seriousness of the breach and the possible consequences arising out of it. Regulation and enforcement action will therefore constitute a proportionate and balanced approach in order to meet a legitimate aim. It will not be unnecessarily punitive in relation to isolated minor technical contraventions of legislation or conditions.

1.4 Authorised officers will have regard to this policy when making enforcement decisions. Any departure from the policy must be justified and be endorsed by the Principal Licensing Officer or his/her manager before the decision is taken (unless it is considered that there is significant risk to the public in delaying the decision).

1.5 All regulatory actions will be recorded by the Council for future reference.

1.6 Enforcement Officers satisfying competency requirements will be authorised by the Head of Service (Legal and Democratic Services) to take enforcement action.

2 Enforcement Options

2.1 A consistent approach to decision making is important. To achieve and maintain consistency, the policy guidelines must be considered and followed where appropriate.

2.2 Licence application and enforcement decisions must always be proportionate, balanced, fair and relate to common standards, which ensure that the public is adequately protected. In reaching any decision the criteria to be considered include:

- Risk to the public
- Safeguarding responsibilities
- Seriousness of any breaches/offences
- Extent of any breaches/offences
- Impact of breach/offence on community
- Impact of breach/offence on trade
- Relevance of the breach/offence to enforcement priorities
- Licence holder's previous history

2.3 Having considered all relevant information and evidence, the options for action are:

- Take no further action
- Grant a licence (subject to the Council's Conditions)
- Refuse to grant/renew a licence
- Take informal action (verbal/written warnings & letters)
- Place the matter before Licensing Committee or Sub-Committee
- Use statutory notices
- Suspend a licence
- Revoke a licence
- Prosecute
- Use simple cautions

2.4 This policy document provides guidance applicable to the various options for enforcement action.

3 Investigation of Breaches of Licence Conditions and Offences

- 3.1 Alleged Breaches of Conditions will be fully investigated by Council Officers who will obtain relevant evidence to substantiate a breach before the evidence is put to the licence holder. **Investigations into Breaches of Conditions are not subject to the provisions of the Police & Criminal Evidence Act 1984 (PACE)** and so these procedures need not be applied in these circumstances. Often these contacts arise out of the regular work of officers whilst on site and are not planned. However whenever direct quotes are inserted into officers notebooks, the person making the comment will be invited to sign the book. Body Video Cameras may be worn and activated where breaches of conditions are observed or suspected.
- 3.2 Where there are grounds to suspect that criminal offences may have been committed then any investigation into those offences **are subject to PACE**. Therefore the PACE procedures will be implemented by officers in any situation where legal proceedings may arise. In circumstances where an interview is necessary the provisions of PACE will apply to any interview conducted at Council Offices or elsewhere. An “interview” is the questioning of a person regarding their involvement or suspected involvement in a criminal offence or offences. Appropriate advice will be given in advance of any interview including the licence holder's rights and any representation. Council Officers have no powers of arrest. In addition to PACE the Criminal Procedures & Investigations Act will apply in relation to any disclosure for legal proceedings. Body Video Cameras may be worn and activated where offences are observed or suspected.
- 3.3 All investigations will afford the licence holder with an opportunity to respond to an allegation made, or evidence obtained. This may be via telephone call, letter, in person, by formal interview or by Committee hearing. Any representations received from the licence holder will be taken into consideration when determining what enforcement action should follow. The licence holder will be informed of any action or decision arising from the investigation. Any correspondence issued to the licence holder will clearly distinguish between those matters which are required to be implemented, and any other matters recommended for action.

4 Informal Action

- 4.1 Informal action will be implemented at the discretion of Officers in relation to alleged breaches/offences by licence holders. Compliance will be sought by offering advice, issuing verbal and written warnings and letters to request action.

4.2 Informal action may be appropriate in any of the following circumstances:

- Where the breach is an isolated occurrence
- Where the breach does not pose a significant risk to the safety of the public
- Where the breach has limited impact on the community or trade
- Where the breach is not serious enough to warrant more formal action
- Where the licence holder's past history indicates that informal action will achieve compliance

5 Appearance before the Licensing Committee/Sub-Committee

5.1 An applicant or licence holder may be asked to appear before the Licensing Committee or Sub-Committee in order for the Committee to determine an appropriate course of action. Referral to Committee would normally take place when:

- A licence holder is charged or is convicted of an offence during the period of a licence (except where the offence indicates a serious public safety issue)
- Officers have evidence indicating a licence holder may no longer meet the fit and proper person test
- The issue requiring decision is not covered by, or departs from, recognised policy or is controversial (including convictions/exceptional condition/age restriction/vehicle safety etc)

5.2 The Committee may decide to take one or more of the following actions:

- No further action
- Issue a written warning/instruction (including where appropriate a requirement to undergo additional training, for example, to demonstrate driver aptitude - IAM Roadsmart or ROSPA training).
- Suspend a licence - with or without immediate effect
- Revoke a licence - with or without immediate effect

6 Vehicle testing, suspension and revocation- s 60 and 68 LGMPA 1976

6.1 Where the condition of a vehicle, or the accuracy of a taximeter are suspected to be unsatisfactory an authorised officer may serve a s68 notice that requires the vehicle or the taximeter to be examined at the Council's appointed garage at a time specified in the notice.

- 6.2 The authorized officer may, in addition to requiring the vehicle to be tested, suspend the vehicle licence until such time as he is satisfied that the vehicle meets the condition of fitness, or revoke the licence.

7 Driver Suspension & Revocation – s61 LGMPA 76

- 7.1 In circumstances where it is in the interests of public safety to suspend or revoke a driver's licence with immediate effect, or where mandatory training requirements have not been met, then the Scheme of Delegation authorises officers to take this decision. This decision will be taken following careful consideration of the evidence and will be reserved for matters where there is an immediate and compelling risk to the safety of the public.

- 7.1 All other suspension or revocation issues would normally be taken before Licensing Committee/Sub-Committee for decision.

- 7.3 In all circumstances a decision notice will be issued that explains the reason for the decision.

8 Operator Suspension & revocation – s62 LGMPA 76

- 8.1 Operator suspensions and revocations will be determined by Licensing Committee/Sub-Committee and in all circumstances a decision notice will be issued that explains the reason for the decision.

9 Appeals

- 9.1 Appeals against decisions of the Council to grant, renew, suspend or revoke a licence are provided for in legislation, and may be made to the Magistrates' Court. Wherever this provision applies information will be provided that outlines how, where and within what period an appeal may be brought and on what grounds. It will also confirm whether or not the effect of the decision is suspended pending the outcome of the appeal.

10 Prosecution

- 10.1 The decision to prosecute is a very significant one. Prosecution will, in

general, be restricted to those circumstances where the law is blatantly disregarded, legitimate instructions of the Council are not followed and / or the public is put at serious risk. Such circumstances are, however, in a minority. It is important that the criteria on which a decision to prosecute is made provide common standards that ensure a consistent and proportionate approach.

10.2 The circumstances that are likely to warrant prosecution may be characterized by one or more of the following:

- Where there is a blatant disregard for the law, particularly where the economic advantages of breaking the law are substantial and the law abiding are placed at a disadvantage to those who disregard it
- When there appears to have been reckless disregard for the safety of passengers or other road users
- Where there have been repeated breaches of legal requirements
- Where a particular type of offence is prevalent
- Where a particular contravention has caused serious public alarm

10.3 When circumstances have been identified which may warrant a prosecution, all relevant evidence and information must be considered, to enable a proportionate and objective decision to be made.

10.4 The Council's Legal team must be satisfied that there is sufficient admissible evidence that an offence has been committed by an identifiable person or company. There must be a realistic prospect of conviction and the issue of a simple caution is not an alternative when it is deemed that there is insufficient evidence to prosecute,

10.5 When a decision is being taken on whether to prosecute, the factors to be considered may include:

- The seriousness of the alleged offence
- The risk of harm to the public
- Identifiable victims
- Failure to comply with a statutory notice served for a significant breach of legislation

- Disregard of safety for financial reward
- The previous history of the party concerned
- Offences following a history of similar offences
- Failure to respond positively to past warnings
- The ability of any important witnesses and their willingness to cooperate
- The willingness of the party to prevent a recurrence of the problem
- The probable public benefits of a prosecution and the importance of the case e.g. whether it might establish a legal precedent. (As indicated above, advice on the public interest is contained in the Code for Crown Prosecutors. The general thrust of the advice contained therein is that, the graver the offence, the less likelihood there will be that the public interest will allow anything other than a prosecution)
- Whether other action, such as issuing a simple caution in accordance with the Home Office Circular 18/1994 would be more appropriate or effective

11 Simple Cautions

11.1 A simple caution may be used as an alternative to a prosecution in certain circumstances.

11.2 Home Office Circular 18/1994 states that the purposes of the simple caution are:

- To deal quickly and simply with less serious offences
- To divert less serious offences away from the Courts
- To reduce the chances of repeat offences

11.3 To safeguard the suspected offender's interests, the following conditions should be fulfilled before a caution is administered.

- There must be evidence of the suspected offender's guilt sufficient to give a realistic prospect of conviction
- The suspected offender must admit the offence
- The suspected offender must understand the significance of a simple caution and give informed consent to being cautioned

11.4 If there is insufficient evidence to consider taking a prosecution, then by

implication, the criteria is not satisfied for the use of a simple caution. A simple caution should also not be used where the suspected offender does not make a clear and reliable admission of the offence. (It should be noted that there is no legal obligation for any person to accept the offer of a simple caution and no pressure should be applied to the person to accept a caution).

- 11.5 Simple cautions must be used in accordance with the Home Office Circular and may only be issued by a Burnley Borough Council Solicitor.
- 11.6 Where a person declines the offer of a simple caution, it will be necessary to consider taking alternative enforcement action. Whilst this will probably mean prosecution, this is not necessarily inevitable. For example, it may be considered that a written warning would be appropriate.

APPENDIX 24

Policy in respect of requests for information, disclosure of information and use of information as a result of an entry on the National Register of Taxi Licence Revocation, Refusals & Suspensions (known as NR3S)

1. Overarching principles

- a. This policy covers the use that Burnley Borough Council will make of the ability to access and use information contained on the National Register of Taxi Licence Revocations, Refusals and Suspensions (NR3S).
- b. In this policy, the 'first authority' refers to a licensing authority which made a specific entry onto the National Register of Refusals, Revocations and Suspensions; the 'second authority' refers to a licensing authority which is seeking more detailed information about the entry.
- c. The NR3S contains information relating to any refusal to grant, suspend or revocation of a taxi driver's licence. This information is important in the context of a subsequent application to another Authority for a driver's licence by a person who has had their licence refused or revoked in the past.
- d. Burnley Borough Council has signed up to the NR3S. This means that when an application for a taxi driver's licence is refused, or when an existing taxi driver's licence is revoked, that information will be placed upon the register.
- e. When an application for a new driver's licence, or renewal of an existing driver's licence is received, we will make a search of the NR3S. The search will only be made by an officer who has been trained in the use of the NR3S and who is acting in accordance with this policy. If details are found that appear to relate to the applicant, a request will be made to the authority that entered that information for further details. Any information that is received from any other authority in relation to an application will only be used in relation to that application, and the determination of it, and will not be used for any other purpose. Any data that is received will only be kept for as long as is necessary in relation to the determination of that application. This will include the period of processing that application, deciding, notifying the applicant of the outcome of that decision, and the appeal processes. For the avoidance of doubt, any such data will be kept for a period of no more than 35 days from the date of the service of the written notification of the determination of the application, except where an appeal is lodged.

- f. Where an appeal to the magistrates' court is made, the data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the magistrates' court, there is a further right of appeal to the Crown Court. In these circumstances, the data will be retained for a period of no more than 35 days from the date of the decision of the magistrates' court. If an appeal is made to the Crown Court, the data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the magistrates' court or the Crown Court, it is possible to appeal the decision by way of case stated.
- g. Accordingly, the data will be retained for a period of no more than 35 days from the date of the decision of the Crown Court (if the decision was made by the magistrates' court, the retention period has already been addressed). If an appeal by way of case stated is made, the data will be retained until all court proceedings relating to that appeal by way of case stated (which will include potential appeals to the Court of Appeal and Supreme Court) have been determined.
- h. The data will be held securely in accordance with this Authority's general policy on secure retention of personal data. At the end of the retention period, the data will be erased and/or destroyed in accordance with the Authority's general policy on the erasure and destruction of personal data.

2. Making a request for further information regarding an entry on NR3S

- a. When an application is made to Burnley Borough Council for the grant of a new, or renewal of, a taxi driver's licence, this authority will check the NR3S. We will make and then retain a clear written record of every search that is made of the register. This will detail:
 - the date of the search.
 - the name or names searched
 - the reason for the search (new application or renewal)
 - the results of the search; and
 - the use made of the results of the search (this information will be entered to the register later).

This record will not be combined with any other records (i.e., combined with a register of licences granted) and will be retained for the retention period of 11 years.

- b. If Burnley Borough Council discovers any match (i.e. there is an entry in the register for the same name and identifying details) a request will be made to the authority that entered those details (the first authority) for further information

about that entry. That request will also include details of this authority's data protection policy in relation to the use of any data that is obtained because of this process. This request will be made in writing. It will be posted or emailed to the contact address of the authority that entered those details (the first authority) which will be detailed in the register.

3. Responding to a request made for further information regarding an entry on NR3S

- a. When this Authority receives a request for further information from another authority a clear written record will be made of the request having been received. This record will not be combined with any other records (i.e., combined with a register of licences granted) and will be retained for the retention period of 11 years. We will then determine how to respond to the request. It is not lawful to simply provide information as a blanket response to every request.
- b. The Authority will conduct a Data Protection Impact Assessment. This will consider how the other Authority (the second Authority) will use the data, how it will store that data to prevent unauthorised disclosure, the retention period for that data, and the mechanism for erasure or destruction of the data at the end of that period. It is expected that if the second Authority has adopted a policy like this, that should be a reasonably straightforward process. If Burnley Borough Council is satisfied that the other Authority's (the 2nd Authority) data protection procedures are satisfactory, consideration will then be given as to what information will be disclosed. This will be determined by an officer who has been trained to discharge this function. Any disclosure must be considered and proportionate, considering the data subjects' rights and the position and responsibilities of a taxi driver.
- c. Data is held on the NR3S register for a period of 11 years, but Burnley Borough Council (the 1st Authority) will not disclose information relating to every entry. Each application will be considered on its own merits. This Authority will disclose information relating to a revocation or refusal to grant a driver's licence in accordance with the timescales contained within its Guidance on Relevance of Convictions.
- d. Where the reason for refusal to grant or revocation relates to a conviction (or similar as defined in Appendix 12) which is within the timescales determined in those guidelines, the information will be disclosed. Where the reason for refusal to grant or revocation relates to a conviction (or similar as defined in Appendix 12) outside the timescales determined in those guidelines, the

information will not be disclosed. However, in every case, consideration will be given to the full circumstances of the decision and there may be occasions where information is provided other than in accordance with this policy.

- e. Any information about convictions will be shared in accordance with this policy under part 2 of scheduled 1 to the Data Protection Act (DPA) 2018; that is, the processing is necessary for reasons of substantial public interest in connection with the exercise of a function conferred on the Authority by an enactment or rule of law.
- f. The officer will record what action was taken and why. The Authority will make and then retain a clear written record of every decision that is made as a result of a request from another Authority. This will detail:
 - the date the request was received
 - how the data protection impact assessment was conducted and its conclusions
 - the name or names searched
 - whether any information was provided
 - if information was provided, why it was provided (and details of any further advice obtained before the decision was made)
 - if information was not provided, why it was not provided (and details of any further advice obtained before the decision was made) and how and when the decision (and any information) was communicated to the requesting authority.

4. Using any information obtained as a result of a request to another Authority

When the Authority receives information as a result of a request that has been made to another Authority, it will take that information into account when determining the application for the grant or renewal of a taxi driver's licence. This will be in accordance with the usual process for determining applications; assessment will take place against the Authority's definition of fit & proper person. This Authority will make and then retain a clear written record of the use that is made of the results of the search (this information will be added to the register detailed above). Information that is received may warrant significant weight being attached to it, but it will not be the sole basis for any decision that this Authority will make in relation to the application.