

Hackney Carriage & Private Hire Licensing Conditions & Procedures Review

Summary of proposed changes – DfT Best Practice	
Section/s	Change
Equalities Act	<p>Addition of a condition regarding carriage of assistance dogs. Not previously conditioned as this is already in legislation but now included in line with guidance.</p> <p>7.44 Section 168 of the equality act sets out the duties placed on all drivers of hackney carriage and private hire vehicles in respect of assistance dogs. The duties are:</p> <p>7.44.1 To carry the disabled person's dog and allow it to remain with that person,</p> <p>7.44.2 Not to make any additional charge for doing so</p>
Penalty Points System	<p>Adjustment to length of time Penalty Points remain current on a licence in accordance with guidance.</p> <p>10.2 Council penalty points will remain current for the following periods:</p> <ul style="list-style-type: none"> • 12 months for a vehicle proprietor licence • 3 years for a Combined Driver's Licence • 5 years for a Private Hire Operators Licence <p>10.3 If an individual concerned accrues a total of 12 current penalty points, then he/she will automatically be referred to a Panel of the Licensing & Appeals Board with a request that the Panel review the individual's continued suitability to hold a licence</p>
Disability Awareness Training	<p>Addition of condition to include Disability awareness training in the application process.</p> <p>2.16 All applicants must complete a disability awareness course and assessment as part of the application process</p>
Intended use Policy	<p>Addition of condition 4.3 to cover intended use policy</p> <p>4.3 Applicants for new and renewal hackney carriage vehicle licences will be required to demonstrate a bona fide intention to ply for hire predominantly in the Borough Council of King's Lynn and West Norfolk area. Applicants who do not intend to a material extent to ply for hire within the Borough Council of King's Lynn and West Norfolk area may not be granted a hackney carriage vehicle licence.</p>
Vehicle Checklist	<p>Introduction of a daily walkaround check for vehicles. Onus on driver to ensure this is completed daily.</p> <p>7.13 Each driver must carry out a daily walkaround check of the vehicle before first use, based on the vehicle checklist form available at Annex E.</p>
Vehicle Checklist	Addition of Annex E With vehicle checklist.
Public Liability Insurance	<p>Addition of condition for Operators to carry £10m of public liability insurance</p> <p>8.30 Operators are required to hold Public Liability insurance of £10m.</p>
Fire equipment and First Aid	Removal of the requirement to carry a fire extinguisher.
Provisions regulating how hackney	Removal of requirement to provide a fire extinguisher.

carriages are to be furnished or provided	
Fire equipment and First Aid	<p>Condition setting standard for any fire extinguisher fitted.</p> <p>3.46 Fire extinguishers carried by licensed vehicles must be either a 1kg dry powder or a 2 litre AFFF. Fire extinguishers must be maintained in accordance with BS5306 Part 3</p>

Summary of other proposed changes	
Section/s	Change
All	General tidy up of existing conditions and wording.
Revocation of Licence	<p>Additional conditions added to prevent licence holders re-applying immediately after revocation.</p> <p>1.31 In the event of a Combined Driver's Licence or Private Hire Operator's Licence being revoked by the Borough Council the holder will be barred from re-applying for a period of 12 months from the date of the decision. Each case will be decided upon its individual merits.</p> <p>1.32 In the event of a vehicle licence being revoked by the Borough Council, any further application to licence the vehicle will be treated as a new application.</p>
Driver Application Disclosure and Barring service	Alteration of wording of conditions 2.3, 2.4 and 2.7 to ensure compliance with regulations, to ensure drivers sign up to the update service prior to being licensed and clarify conditions.
Driver Application Driver's Medical	Alteration of wording of condition 2.11 for clarification regarding the Medical Report.
Driver Application Knowledge & Safeguarding Test	<p>Addition of Condition to limit applicants to three attempts at the knowledge test per application and set a limit before re-applying. This is already employed by some authorities (East Suffolk and Cambridge City are local examples) and avoids a driver simply repeating the knowledge test multiple times in the hope of passing by chance.</p> <p>2.15 Applicant's may attempt the knowledge test up to three times. After a third failed attempt the application will be rejected, and the applicant will not be able to re-apply for six months from the date of the last failed attempt.</p>
Refund of fees	Condition 2.27 altered wording to include driver refunds and set criteria.
Surrender of a licence	<p>Addition of condition 2.29 to comply with legislation. There is no pre-requisite in law for a licence to be surrendered although it is recognised that there is a need for such action. This condition not only enables the authority to accept the surrender of a licence, but also prevents a licence holder from surrendering a licence to avoid any potential disciplinary action.</p> <p>2.28 Surrender of a Driver, Vehicle or Operator licence may be refused in the event of an ongoing investigation, or pending disciplinary action against the licence holder.</p>
Vehicle Specifications	Condition 3.21 altered wording to include new GB type approval
Vehicle Specifications	Condition 3.27 altered wording to include SUV type vehicles
Vehicle Testing	Condition 3.30 correction of wording to include vehicles under one year old in exemption from DVSA MOT test
Vehicle Testing	Condition 3.34 altered timing of repairs to advisory items to align with compliance failure items. Addition of Minor MOT items to the Advisory repair requirement.

Altered Vehicles	<p>Addition of condition 3.41 for clarity that vehicles converted to be wheelchair accessible require a DVSA IVA or VIVA test</p> <p>3.41 All vehicles converted or altered to be Wheelchair Accessible will only be considered for licensing upon production of a satisfactory IVA or VIVA test (engineers report) from the Driver and Vehicle Standards Agency (DVSA).</p>
First Aid	Altered wording of condition 3.47 to update list of first aid equipment to current recommendations of H&S officer
Advertising on outside of vehicles	Condition 3.66 addition of wording to ensure media is permanently fixed and not removable.
Change of use	Condition 3.76 alteration of wording in line with condition 1.32 above
Wheelchair accessible vehicle specifications	<p>Addition of condition 4.5 to ensure that Wheelchair accessible vehicles remain so at all times. This is to ensure that vehicles licensed as Wheelchair accessible remain as such.</p> <p>4.5 Any vehicle licensed as wheelchair accessible must remain so at all times while licensed. Additional seats which cannot be stowed to allow immediate carriage of a wheelchair passenger must not be fitted.</p>
Ramps	Condition 4.8 additional wording regarding ramp design
Lifts	Condition 4.9 correction of wording
Roof Signs	Revision of wording in conditions 4.24 and 4.26 to revert to previous standards required for roof signs taken from Hackney Carriage By laws. To be re-inserted to set a standard due to recent complaints.
Roof Signs	<p>Addition of condition 4.27 to enable licensing of purpose built vehicles with built in roof signs</p> <p>4.27 Proprietors of purpose built vehicles with built in roof signs may apply in writing to the Borough Council to request a departure from conditions 4.24 and 4.26 above.</p>
Combined Hackney Carriage & Private Hire Driver's Licences	<p>Addition of condition 7.13 due to previous omission</p> <p>7.1.3 Any changes to an applicant's health between the date of the medical certificate and issue of the licence must be notified to the Borough Council</p>
Combined Hackney Carriage & Private Hire Driver's Licences	Condition 7.1.5 altered wording to ensure compliance with requirements
Combined Hackney Carriage & Private Hire Driver's Licences	<p>Addition of condition 7.1.7 due to previous omission.</p> <p>7.1.7 Any convictions received by or notified to the applicant between the point of application and issue of the licence, must be disclosed to the Borough Council in accordance with condition 7.16</p>
Combined Hackney Carriage & Private Hire Driver's Licences	<p>Addition of condition 7.1.9 due to previous omission.</p> <p>7.1.9 All applicants are required to pass a driving standards assessment set to the former DSA standard. Evidence of this must be supplied to the Borough Council.</p>
Combined Hackney Carriage & Private Hire Driver's Licences	<p>Addition of condition 7.1.10 due to changes of HMRC processes.</p> <p>7.1.10 Applicants for renewal must supply a valid HMRC check code to show they are registered for income tax.</p>
Smoking	Condition 7.37 changed wording to include driver's responsibilities towards other persons smoking.

Equalities Act 2010	<p>Addition of condition 7.41 after changes in the equalities act</p> <p>7.41 Section 164A of the Equality Act sets out the duties placed on all drivers of hackney carriage and private hire vehicles. The duties are:</p> <p>7.41.1 if the passenger is in or has with them a wheelchair, to carry the wheelchair;</p> <p>7.41.2 if the passenger has with them any mobility aids, to carry the mobility aids;</p> <p>7.41.3 to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort;</p> <p>7.41.4 to give the passenger such mobility assistance as is reasonably required; and</p> <p>7.41.5 Not to make, or propose to make, any additional charge for complying with a duty mentioned in conditions 7.41.1 to 7.41.4</p>
Equalities Act 2010	Condition 7.43 addition and alteration of wording.
Penalty Points	Change of wording for codes PP16, PP18 and PP21
Compliance testing standards, code of practice, Guidance	<p>Addition of condition regarding failure of a DVSA MOT test</p> <p>9. Failure of the DVSA MOT test will automatically result in failure of the Borough Council Compliance test .</p>
Immediate suspension and Revocation	Alterations made to Annex C to reflect changes in procedure.