



Public Carriage Conditions, Bylaws and Guidance

Contents

Hackney Carriage

General conduct of Drivers/Licensees	7
--------------------------------------	---

Bylaws

1. Interpretation	9
2. Licence plates	9
3. Furnishings	9
4. Taximeter	9
7. Examination	10
8. Conduct of Proprietors	10
10. Ranks (Hackney Stands)	11
12. Importuning	11
13. Hirer selection	11
14. Conduct of Driver	11
15. Smoking	11
16. Attendance	11
17. Route	11
18. Persons Carried	12
19. Service	12
20. Advertising	12
21. Statement of Fares	12
22. Property Found	12

Conditions

1. Type of Vehicle	14
2. Colour of Vehicle	14
3. Age of Vehicle	14
4. License Plates	14
5. Vehicle Signage	14
6. Condition of Carriage	14
7. Examination Inspection and Maintenance	14
8. Sale of Vehicle	15
9. Change of Vehicle	15
10. Temporary Substitution	15
11. Roof Sign	15
12. Meters—Receipts	15
13. Meter Temporary Permit	16

15. Advertising	16
16. Fire Extinguisher	16
17. Cameras & Electronic Equipment	16
18. Passenger Confidentiality	16
19. Requirements of a Driver	16
20. Display of Identity Card	16
21. Appropriate Clothing	17
22. Medical Disability	17
23. Disclosure of Convictions	17
24. Notification of Address	17
25. Disciplinary Procedure	17
26. Smoking	17

Private Hire Vehicles

Conditions

1. Details of Vehicles Operated	20
2. Type of Vehicle	20
3. Colour of Vehicle	20
4. Age of Vehicle	20
5. Vehicle Categories	20
6. Vehicle Signage	20
7. Meters	21
8. Licence Plates	21
9. Condition of Vehicle	21
10. Examination Inspection and Maintenance	21
11. Sale of Vehicle	22
12. Change of Vehicle	22
13. Temporary Substitution	22
14. Passengers	22
15. Attendance	22
16. Roof of Vehicle	22
17. Advertisement	22
18. Fire Extinguisher	22
19. Property Found	23
20. Cameras & Electronic Equipment	23
21. Passenger Confidentiality	23
22. Requirements of Driver	23
23. Display of Identity Card	23
24. Conduct Safety	23

25. Smoking	23
26. Service	24
27. Appropriate Clothing	24
28. Medical Disability	24
29. Notification of Address	24
30. Disclosure of Convictions	24
31. Disciplinary Procedure	24

Private Hire Operators

Conditions

1. Supervision—Fitness of Vehicle and Drivers	26
2. Form of Record	26
3. Vehicle Categories	27
4. Advertisement	27
5. Record of Complaints—Drivers	27
6. Planning Permission	28
7. Service	28
8. Radio Equipment	28
9. Premises	28
10. Contract of Hire	28
11. Return of Licence	28
12. Change of Address	28
13. Convictions	28

Statutory Provisions

Requirements to have a Licence	30
Requirements of a Licence	30
Taximeter	31

Schedules

Schedule 1—Inspection Report	35
Schedule 2—Guidelines for Advertising	36

Schedule 3 —Requirements for Drivers of Public Carriage Vehicles	37
Schedule 4—Relevant Convictions and Offences	38

Appendices

Appendix 1— Disciplinary Procedure	40
Appendix 2 — Safeguarding Vulnerable People	42
Appendix 3— Hackney Carriage Stands	46

Guidance as to Requirements and Procedures

New/Permanent Replacement of Vehicle	51
Temporary Substitution	51
Location of 'No Booking No Ride' Signage	53
Transferring a Public Carriage Vehicle	53
Driving, Owning and Operating a Vehicle	53
Guidance for Applicants	54
Public Carriage Complaints Procedure	58
Disability Discrimination Act 1995	60
Renewing of Licences	60
Lost Property	60
Smokefree Legislation	61
Useful Contact Details	62

BEHAVIOUR OF A LICENCE HOLDER THAT IS ALWAYS UNACCEPTABLE

- Propositioning of passengers or accepting sexual favours instead of payment of the fare
- Sexual contact with passengers (including consensual sex)
- Initiating discussions of a sexual nature
- Making sexual advances towards passengers
- Aiding and abetting criminal activity.

Bylaws

BYLAWS WITH RESPECT TO HACKNEY CARRIAGES MADE IN 1968.
This is an abridged version, a full version is available for inspection at the Town Hall.

BYLAWS

1. INTERPRETATION

The "Council" means the Council of the Borough of Bournemouth and the "District" means the said Borough area and further defined in Section 15 Road Transport Act 1985, and the Inspector of Hackney Carriages" means the Public Carriage Inspector for the said Borough.

2. LICENCE PLATES

Supplemented by Hackney Carriage Condition No 4.

3. FURNISHINGS

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 water-tight
 - c) provide any necessary windows and a means of opening and closing not less than one window on each side,
 - d) cause the seats to be properly cushioned or covered,
 - e) cause the floor to be provided with a proper carpet, mat or other suitable covering,
 - f) cause both the exterior and the interior of the carriage including all the fittings and furniture to be kept in a clean condition, well maintained and in every way fit for public service,
 - a) provide means for securing luggage if the carriage is so constructed as to carry luggage,
 - b) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use,
 - c) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.
- See. also Condition No.5

4. TAXIMETER

The proprietor of a hackney carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements, that is to say:-

- a) When the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in figures clearly legible and free from ambiguity, a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take in pursuance of the bylaw in that behalf for the hire of the carriage by distance.
- b) 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.
- c) The taximeter shall be so placed that all letters and figures on the face thereof may be 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.
- d) 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.

5. The proprietor of a hackney carriage provided with a taximeter not fitted with a flag or other device bearing the words "FOR HIRE" shall cause the carriage to be provided with a sign so constructed as to comply with the following requirements, that is to say:-
 - a) The sign shall bear the words "FOR HIRE" in plain letters at least one and a half inches in height.
 - b) The sign shall be capable of being so operated that it indicates clearly and conveniently to persons outside the carriage whether or not the carriage is for hire.
6. In a case where it appears to the Council to be impracticable for a proprietor for the time being to comply with any requirement contained in bylaws 3,4 and 5, they may issue a certificate to that effect to the proprietor and thereupon the proprietor shall not be guilty of an offence in respect of a failure to comply with that requirement if he causes or permits the carriage to stand or ply for hire until the expiry of such period of time as may be specified in the certificate for compliance with the requirement aforesaid.

7. EXAMINATION AND INSPECTION

The proprietor of a hackney carriage vehicle shall cause the same to be presented at the Bournemouth Fleet Transport Southcote Road, Bournemouth for examination and inspection at least once in every year. See also Statutory Provisions, Requirements of Licence and vehicle condition 7.

8. CONDUCT OF PROPRIETORS

The driver of a hackney carriage shall:-

- (a) If the taximeter is fitted with a flag or other device bearing the words "FOR HIRE":-
 - (i) when standing or plying for hire keep such flag or other device locked in the position in which the words are horizontal and legible;
 - (ii) as soon as the carriage is hired by distance, and before commencing the journey, bring the machinery of the taximeter into action by moving the flag or other device so that the words are not conveniently legible and keep the machinery of the taximeter in action until the termination of the hiring.
- (b) If the taximeter is not fitted with a flag or other device bearing the words "FOR HIRE":-
 - (i) when standing or plying for hire keep the taximeter locked in the position in which no fare is recorded on the face of the taximeter and operate the sign provided in pursuance of bylaw 5 or so that the words "FOR HIRE" are clearly and conveniently legible by persons outside the carriage.
 - (ii) as soon as the carriage is hired whether by distance or by time, operate the said sign so that the words "FOR HIRE" are not conveniently legible by persons outside the carriage;
 - (iii) as soon as the carriage is hired by distance, and before commencing the journey, bring the machinery of the taximeter into action by moving the key or other device fitted for the purpose 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 period from half an hour after sunset to half an hour before sunrise and also at any other time at the request of the hirer.

9. 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, without the written authority of the Inspector of Hackney Carriages.

10. RANKS (HACKNEY STANDS)

The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:-

- (a) proceed with reasonable speed to one of the stands fixed by the bylaw in that behalf;
- (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, - proceed to another stand;
- (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage on the stand and so as to face the same direction as any other carriages on the stand; -
- (d) from time to time when any other carriage immediately in front is driven off or moved forward at once cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward;
- (e) during the whole time the carriage is on the stand be within call thereof and ready to be hired.

11. A proprietor or driver of a hackney carriage shall not wash such carriage or permit such carriage to be washed while it is on any stand.

12. IMPORTUNING

Importuning (touting for business) is an offence under section 167 of Criminal Justice and Public Order Act 1994.

13. HIRER SELECTION

A proprietor or driver of a hackney carriage shall not by any means interfere with the free selection by any person of the particular carriage on any stand which such person may desire to hire.

14. CONDUCT OF DRIVER

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 carriage.

15. SMOKING

Smoking in Public Carriage Vehicles is an offence under the provisions of the Public Health Act 2006 (See page 65).

16. ATTENDANCE

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.

17. ROUTE

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

18. PERSONS CARRIED

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

19. SERVICE

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

- (a) convey a reasonable quantity of luggage;
- (b) afford reasonable assistance in loading and unloading;
- (c) afford reasonable assistance in removing it to or from the entrance of any house, block of flats, station, or place at which he may take up or set down such person.
- (d) See legal requirements regarding assistance dogs on page 34.

Provided always the driver of a hackney carriage shall not be obliged to convey:-

- (a) any article or animal which is of such bulk or amount or character that the carrying of such article or animal would be likely to cause damage to the cab or its fittings;
- (b) any petroleum spirit or explosive or dangerous substance;
- (c) any noxious, odorous, foul or offensive substance.

20. ADVERTISING

The proprietor or driver of a hackney carriage shall not place or suffer to be placed on any window or on any part of the exterior of such carriage any advertisement or printed matter other than such as may be required to comply with these bylaws or approved by the Council. See 40.

21. STATEMENT OF FARES

(a) the proprietor of a hackney carriage shall:-

- (i) cause a statement or the fares fixed by the Council in that behalf to be affixed to the inside of the carriage in clearly distinguishable letters and figures;
- (ii) renew such letters and figures as often as is necessary to keep them clearly visible.

(b) The proprietor or driver of a hackney carriage bearing a statement of fares shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

22. PROPERTY FOUND

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

Any property found in a Hackney Carriage vehicle will be handed in at the Licensing Office within 48 hours of it being found, unless returned directly to the owner. For further guidance see page 69.

Hackney Carriage Conditions

CONDITIONS WITH RESPECT OF HACKNEY CARRIAGES – WITH SUBSEQUENT AMENDMENTS AND ADDITIONS, IN ACCORDANCE WITH LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

1. TYPE OF VEHICLE

Hackney Carriage Licence Numbers 218 to 249 must be wheelchair accessible vehicles

Licences shall only be issued for vehicles which comply with EU type approval.

Converted or adapted vehicles will be licensed on production of an acceptable approval certificate.

Swivel or swing –out seats for use by mobility impaired persons are permitted if fitted in accordance with manufacturers' requirements.

2. COLOUR OF VEHICLE

Hackney Carriages must be standardised in the colour of JAMAICA YELLOW (General Motors colour range No. 59L-46290016457) with a 85mm wide reflective white stripe along the side of each vehicle which may be bordered by a band not exceeding 6mm in width of a single colour. Black vehicles with a current licence can continue to be used until such time as they are permanently replaced.

3. AGE OF VEHICLE

With the exception of wheelchair accessible vehicles, vehicles submitted shall not be more than three and a half years old, currently licensed vehicles may not be replaced by a vehicle older than three and a half years old.

4. LICENCE PLATES

The Hackney Carriage licence plate issued by the Council on the licensing of the vehicle will be displayed in a position approved by the Public Carriage Office. This will be attached to the outer rear of the vehicle or the rear bumper, and clearly visible from the rear.

The plate is the property of the Council and must be returned to the Public Carriage Office when the licence expires and is not to be renewed. The cost of a plate which is damaged or lost shall be paid to the council by the proprietor of the vehicle.

See Statutory Provisions — Requirements to have a Licence

5. VEHICLE SIGNAGE

All Hackney Carriage Vehicles shall display any signs prescribed and approved by the Licensing Board.

The vehicle door insignia (approved by the Council) must be displayed on both front doors of the vehicle. These should be permanently affixed in the prescribed position.

6. CONDITION OF CARRIAGE

The proprietor of a hackney carriage must at all times keep his vehicle in a state of cleanliness and good repair.

7. EXAMINATION INSPECTION AND MAINTENANCE

Hackney Carriage proprietors are required to have their vehicle tested twice yearly as below

- (a) A Mechanical Examination Certificate at Bournemouth Fleet Transport, Southcote Road, Bournemouth is carried out annually.
 - (b) A VOSA MoT Test Certificate at any approved testing station is required not less than five months but not greater than six months after (a).
- or a complete list of testable items for (a) see Schedule 1.

8. SALE OF VEHICLE

A proprietor of a Hackney Carriage, on intending to sell the licensed vehicle without substitution, must surrender the existing licence and licence plate to the Council before selling the vehicle.

All licensed identification and signage to include the white stripes on each side of the vehicle, must be removed when vehicle ceases to be a Hackney Carriage.

9. CHANGE OF VEHICLE

The Hackney Carriage Vehicle Licence issued by the Council is for the vehicle described. This does not prevent the proprietor making application to change that vehicle provided that the new vehicle complies with all current conditions and criteria relating to that licence.

Before a licence can be granted for a new vehicle, the old vehicle shall be produced with the stripes and door insignia removed (see also Condition 8).

10. TEMPORARY SUBSTITUTION (see page 57)

That in the event of major accident damage or serious mechanical breakdown the temporary substitution of an approved type, (Licence numbers 230– 249 must be wheelchair accessible) be permitted for a maximum period of 4 weeks. Any extension of that period being at the discretion of the Licensing Office. All temporary vehicles must comply with the Councils colour requirements excepting wheelchair accessible vehicles which may be black.

The age policy for temporary substitution shall not apply provided that the substituted vehicle has the benefit of a valid Bournemouth Borough Council exemption certificate and complies in all other respects with the conditions .

Where paint work has been carried out affecting stripes or door insignia, a period of three weeks after return to use will be allowed before the stripes or insignia are replaced.

11. ROOF SIGN

Every hackney carriage shall be fitted with a roof mounted sign of a size and design approved by the Licensing Office. The sign is to display to the front, the word 'Taxi' in black letters of minimum height 62.5mm and maximum 75mm and 'Bournemouth' in black letters of minimum height 18mm and maximum 25mm on a white panel and to the rear the word 'Taxi' in black letters on a red panel.

12. METERS – RECEIPTS

- (a) All licensed vehicles shall be fitted with a taximeter of the clock/calendar type to calculate distance and time of the hiring and a receipt printer.

The Licensing Authority consider a taximeter to include a GPS type system or any other system that is capable of meeting the requirements as set out in Clause 4 of the Bylaws with respect of Hackney Carriages made in 1968.

Any such system shall be approved by the Licensing Authority prior to installation.

The printer shall produce a receipt of the fare displayed and calculated by the meter together with other approved charges in accordance with the fare chart and will include sufficient information to identify the vehicle licence number.

The meter and receipt machine are to be maintained in proper working order at all times. Any failure of the equipment to function properly is to be rectified as soon as reasonable practicable.

(b) the driver of a hackney carriage shall:-

- (i) Operate the meter and receipt machine, so as to produce a printed receipt to be handed to the hirer of the vehicle upon request.
- (i) Operate the meter and receipt machine, so as to produce a printed receipt to be handed to the hirer of the vehicle upon request.

13. METER TEMPORARY PERMIT

In cases where a taximeter is out of action the proprietor must notify the Licensing Office immediately. A permit to ply for hire without a meter may then be issued for a period not exceeding fourteen days and subject to immediate steps being taken to effect repair.

14. LUGGAGE ON ROOF

The proprietor shall ensure that the driver is instructed not to carry luggage on the roof of the carriage without ensuring that it is adequately fixed on a secure luggage rack.

15. ADVERTISING

Advertising may be allowed on vehicles that operate on a radio circuit subject to the guidelines attached at schedule 2.

16. FIRE EXTINGUISHER

See the Hackney Carriage Bylaws (page 8).

17. CAMERAS AND ELECTRONIC EQUIPMENT

In car cameras are only permitted if of an approved type for the storage of digitally encrypted images and should comply with the rules of evidence acceptable in a court of law. Images will only be available to Dorset Police and/or Bournemouth Borough Council licensing officers.

Other electronic equipment which is not supplied with the vehicle as standard should be for the receiving and fulfilling of bookings and be of an approved type. Unauthorised equipment for the recording and replay of video and audio is not permitted.

18. PASSENGER CONFIDENTIALITY

In order to protect passenger confidentiality, drivers must not publish in the public domain, for example, on any social networking website or similar websites, any image of passenger(s) captured on a hand held recording device, or any other form of recording device.

19. REQUIREMENTS OF A DRIVER

Only drivers licensed by Bournemouth Borough Council are permitted to drive Hackney Carriage vehicles licensed by the Council. The criteria determines whether a person is a 'Fit and Proper' person to hold a public carriage licence granted by the Council .(Schedule 3)

20. DISPLAY OF IDENTITY CARD

All drivers licensed by the Council are issued with an identity badge in a prescribed format. The proprietor of Hackney Carriage vehicle shall ensure that the driver shall at all times when acting in accordance with the licence granted, either:-

- (i) display the badge in the carriage either on the partition between the driver and passenger compartment to be clearly seen by all passengers carried therein, or
- (ii) wear such badge in such position and manner as to be plainly and distinctly visible, and the badge may be either attached to the driver's clothing or suspended on a quick release chain.

The driver shall permit any person upon request to read and note the details on the badge. Altering/defacing of the identity badge will result in a breach of the condition.

21. APPROPRIATE CLOTHING

The Proprietor of a Hackney Carriage Vehicle shall ensure that the driver of the Hackney Carriage vehicle on service shall wear a reasonable standard of dress (wearing of shorts and jeans is not appropriate), to include suitable footwear. (Health & Safety at Work Act 1974 etc.)

22. MEDICAL DISABILITY

The holder of a hackney carriage driver's licence is required to inform the Licensing Section at once if they have any disability which is or may become likely to affect his/her fitness as a driver. (Note the word 'disability' includes disease).

23. DISCLOSURE OF CONVICTIONS

The proprietor of the licensed vehicle or the driver so licensed, shall within seven days disclose to the Council in writing details of any Criminal or Road Traffic convictions or instant Penalty Notice imposed during the period of the licence.

24. NOTIFICATION OF ADDRESS

The proprietor of the licensed vehicle or the driver so licensed, shall notify the Council in writing of any change of address during the period of the licence within seven days of such change taking place.

25. DISCIPLINARY PROCEDURE

Any breach of conditions, non-compliance of the law, or unsatisfactory conduct by the proprietor, driver or operator shall be dealt with in accordance with the Disciplinary procedure. (Appendix 1).

26. SMOKING

Smoking in Public Carriage Vehicles is an offence under the provisions of the Public Health Act 2006 (See page 65).

Private Hire Vehicles

CONDITIONS WITH RESPECT TO PRIVATE HIRE VEHICLES – MADE ON 21ST SEPTEMBER 1978, WITH SUBSEQUENT AMENDMENTS AND ADDITIONS, IN ACCORDANCE WITH LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

ALL VEHICLES SHALL COMPLY WITH THESE CONDITIONS TOGETHER WITH ANY RELEVANT STATUTORY PROVISIONS AS ATTACHED.

1 DETAILS OF VEHICLES OPERATED

The operator shall keep a record of any vehicles licensed as a private hire vehicle and operated by them. If the number, or details of such vehicles under the control of the operator alters or there be any material change subsequent to the issue of the licence, the Council shall be notified without delay.

2 TYPE OF VEHICLE

Licences shall only be issued for vehicles which comply with EU type approval.

Converted or adapted vehicles will be licensed on production of an acceptable approval certificate.

Swivel or swing –out seats for use by mobility impaired persons are permitted if fitted in accordance with manufacturers' requirements.

3 COLOUR OF VEHICLE

No vehicle licensed as a Private Hire vehicle shall be coloured Black or Yellow.

4 AGE OF VEHICLE

With the exception of wheelchair accessible vehicles and specialist private hire vehicles, such as limousines and stretch limousines, vehicles submitted shall not be more than three and a half years old, currently licensed vehicles may not be replaced by a vehicle older than three and a half years old.

5 VEHICLE CATEGORIES

Vehicles of the approved type will be licensed according to their proposed usage in the following categories:-

Category A -Non-metered Vehicles: Specialist and port/airport vehicles

Category B - Metered Vehicles: All other vehicles

The proprietor of a private hire vehicle shall at all times ensure the vehicle is not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage.

6 VEHICLE SIGNAGE

All Category B vehicles shall display any signs or markings, prescribed and approved by the Council. These should be permanently affixed in the prescribed position (Schedule 2)

The proprietor of a Category B vehicle wishing to make use of bus lanes must obtain and display any markings approved and prescribed by the Council.

7 **METERS**

All Category B vehicles shall be fitted with a fare meter and a receipt printer.

All licensed vehicles shall be fitted with a fare meter of the clock/calendar type to calculate distance and time of the hiring and a receipt printer.

The printer shall produce a receipt of the fare displayed and calculated by the meter together with other approved charges in accordance with the fare chart and will include sufficient information to identify the vehicle licence number.

The meter and receipt machine are to be maintained in proper working order at all times. Any failure of the equipment to function properly is to be rectified as soon as reasonable practicable.

The driver of a Private Hire Vehicle shall

- (i) Operate the meter and receipt machine so as to produce a printed receipt to be handed to the hirer of the vehicle upon request.
- (ii) Any defect in the meter or the receipt machine must be reported to the Licensing Office immediately.

8 **LICENCE PLATES**

Subject to the exemptions mentioned below, the Private Hire Vehicles Licence Plate issued by the Council on the licensing of the vehicle will be displayed in a position approved by the Council. This will be attached to the outer rear of the vehicle or the rear bumper, and clearly visible from the rear.

Only vehicles within Category A of these conditions may apply for exemption to display a vehicle Plate.

All Private Hire Vehicles including exempted vehicles will display a windscreen-mounted identity Plate (this should be clearly visible to passengers inside the vehicle) as prescribed by the Council.

The cost of a Plate, that is damaged or lost, shall be paid to the Council by the proprietor of the vehicle.

The plates are the property of the Council and must be returned to the Licensing Section when the licence expires and is not to be renewed.
See Statutory Provisions

9 **CONDITION OF VEHICLE**

The proprietor and driver of a Private Hire vehicle must, at all times, keep the vehicle in a state of cleanliness and good repair. (For a complete list of testable items undertaken when the vehicle undergoes its initial or annual inspection, see Schedule 1).

10 **EXAMINATION INSPECTION AND MAINTENANCE**

Private Hire proprietors are required to have their vehicle tested twice yearly as below

- (a) A Mechanical Examination Certificate at Bournemouth FleetTransport Depot, Southcote Road, Bournemouth is carried out annually.
- (b) A VOSA MoT Test Certificate at any approved testing station is required not less than five months but not greater than six months after (a).

A record of all maintenance carried out on licensed vehicle should be available for inspection on demand by the Licensing Office and on the date of annual inspection by the Vehicle Examiner

For a complete list of testable items for (a) see Schedule 1.

11 SALE OF VEHICLE

A proprietor of a Private Hire Vehicle on intending to sell the licensed vehicle without substitution, must surrender the existing licence and licence plate to the Council and remove all advertising, 'No Booking No Ride' and checker board signage before selling the vehicle.

12 CHANGE OF VEHICLE

A proprietor of a Private Hire Vehicle wishing to permanently replace the licensed vehicle with another, must notify the Council and arrange for the new vehicle to be inspected by the authority before the substitution is effected. Application for substitution of a vehicle must be submitted on the official form. See the guidance section.

13 TEMPORARY SUBSTITUTION (See page 57)

That in the event of major accident damage or serious mechanical breakdown the temporary substitution of an approved type, be permitted for a maximum period of 4 weeks. Any extension of that period being at the discretion of the Licensing Office.

The age policy for temporary substitution shall not apply provided that the substituted vehicle has the benefit of a valid Bournemouth Borough Council exemption certificate and complies in all other respects with these conditions including colour (see page 21).

14 PASSENGERS

A proprietor or driver of a private hire vehicle shall not convey or permit to be conveyed in such vehicle any greater number of persons than the number of persons specified in the licence granted by the Council.

15 ATTENDANCE

The proprietor or 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 the vehicle at the appointed time and place.

16 ROOF OF VEHICLE

(i) Luggage on Roof - The driver shall not carry luggage on the roof of any vehicle without ensuring that it is adequately fixed on a secure luggage rack which complies with necessary safety standards and weight restrictions.

(ii) Roof lights are permitted to be affixed to the vehicle. The lights must not be affixed to roof bars/rack and are not to exceed 50 mm above roof level.

(iii) Single roof bars are not permitted on Private Hire Vehicle.

17 ADVERTISEMENT

Advertising on Private Hire Vehicles:-

Each Private Hire Operator is responsible for ensuring that their advertising is only displayed on a vehicle linked to their circuit. Only advertising approved by the Council may be displayed.

See Schedule 2

18 FIRE EXTINGUISHER

The proprietor will provide an efficient fire extinguisher, which shall be carried in such a position in the vehicle as to be readily available for immediate use.

19 **PROPERTY FOUND**

The proprietor or driver of a Private Hire vehicle shall immediately after the termination of any hiring, carefully search the vehicle for any property which may have been accidentally left therein.

Any property found in a Private Hire vehicle will be handed in at the Licensing Office within 48 hours of it being found, unless returned directly to the owner. For further guidance see page 69.

20 **CAMERAS AND ELECTRONIC EQUIPMENT**

In car cameras are only permitted if of an approved type for the storage of digitally encrypted images and should comply with the rules of evidence acceptable in a court of law. Images will only be available to Dorset Police and/or Bournemouth Borough Council licensing officers.

Other electronic equipment which is not supplied with the vehicle as standard should be for the receiving and fulfilling of bookings and be of an approved type. Unauthorised equipment for the recording and replay of video and audio is not permitted.

21. **PASSENGER CONFIDENTIALITY**

In order to protect passenger confidentiality, drivers must not publish in the public domain, for example, on any social networking website or similar websites, any image of passenger(s) captured on a hand held recording device, or any other form of recording device.

22 **REQUIREMENTS OF A DRIVER**

Only drivers licensed by Bournemouth Borough Council are permitted to drive Private Hire vehicles licensed by the Council. The criteria determines whether a person is a 'Fit and Proper' person to hold a public carriage licence granted by the Council .(Schedule 3)

23 **DISPLAY OF IDENTITY CARD**

All drivers licensed by the Council are issued with an identity badge in a prescribed format.

Drivers shall at all times, when acting in accordance with the licence conditions, wear their badge in a position and manner as to be plainly and distinctly visible. The badge may be either attached to the driver's clothing or suspended on a quick release chain.

The driver shall permit any person upon request to read and note the details on the badge. Altering/defacing of the identity badge will result in a breach of the condition.

24 **CONDUCT SAFETY**

The driver of a Private Hire vehicle 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.

25 **SMOKING**

Smoking in Public Carriage Vehicles is an offence under the provisions of the Public Health Act 2006 (See page 65).

26 **SERVICE**

The driver of a Private Hire vehicle 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/she may pick up or set down such person.
- (d) Drivers of Private Hire vehicles must carry a Guide Dog or Assistance Dog belonging to a passenger, free of charge, unless the driver has a proven medical condition that would preclude such action. (Drivers must obtain an Exemption certificate from the Council).
See Statutory Provisions

Provided always that the driver of a Private Hire vehicle shall not be obliged to convey:-

- (a) Any article or animal which is of such bulk or amount or character that the carrying of such article or animal would be likely to cause damage to the vehicle or its fittings.
- (b) Any petroleum, spirit or explosive or dangerous substance.
- (c) Any noxious, odorous, foul or offensive substance

27 **APPROPRIATE CLOTHING**

The Proprietor of a Private Hire Vehicle shall ensure that the driver of the Private Hire vehicle on service shall wear a reasonable standard of dress (wearing of shorts and jeans is not appropriate), to include suitable footwear. (Health & Safety at Work Act 1974 etc.)

28 **MEDICAL DISABILITY**

The holder of a Private Hire vehicle driver's licence is required to inform the Licensing Office at once if they have any disability which is or may become likely to affect their fitness as a driver. (Note the word 'disability' includes disease).

29 **NOTIFICATION OF ADDRESS**

The proprietor of the licensed vehicle or the driver, shall notify the Council in writing of any change of address during the period of the licence within seven days of such change taking place.

30 **DISCLOSURE OF CONVICTIONS**

Any licensed driver, shall within seven days disclose to the Council in writing details of any Criminal or Road Traffic convictions or Instant Penalty Notice imposed during the period of the licence.

31 **DISCIPLINARY PROCEDURE**

Any breach of conditions, non-compliance of the law, or unsatisfactory conduct by the proprietor, driver or operator shall be dealt with in accordance with the Disciplinary procedure. (Appendix 1).

Private Hire Operators

**CONDITIONS WITH RESPECT TO PRIVATE HIRE OPERATORS MADE ON 27TH FEBRUARY 1996
IN
ACCORDANCE WITH THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 –
SECTION 55(3)**

**ALL LICENSEES SHALL COMPLY WITH THESE CONDITIONS TOGETHER WITH ANY
RELEVANT
STATUTORY PROVISIONS AS ATTACHED.**

1 SUPERVISION – FITNESS OF VEHICLES AND DRIVERS

The licensed operator of Hackney carriages and/or Private Hire vehicles shall:-

- (a) Supervise the “fitness” of vehicles to ENSURE the vehicles are properly licensed, insured, taxed, tested and suitable for use in accordance with the Road Traffic Act requirements and the licence conditions. This condition to be part of the requirements under Section 56(3) of the Local Government (Miscellaneous Provisions) Act 1976 whereby the operator is required to keep a record of vehicles.
- (b) Supervise the fitness of drivers to ensure the holder of the driver licence continues to be “fit and proper” to hold such a licence in accordance with the Road Traffic Act requirements and the licence conditions.

2 FORM OF RECORD

A record will be kept in one, or both of the following prescribed forms.

A. Loose leaf document bearing a serial number and used in sequence thereof each document to contain information as indicated in the following five items:

- Date/time booking received. If received from another licensed operator, the identity of the operator passing the booking will be noted.

Licensed operators who experience long periods of heavy pressure brought about by excessive demands on their services may replace "Time/Date" with a letter "P" or "I" which ever is applicable at the time the booking is received. "P" will indicate a booking has been *pre-booked*.

A pre-booked service is one which has been received a minimum of twenty minutes before the actual booking is carried out.

"I" will indicate a booking is for *immediate service*.

An immediate service booking is one which requires the journey to be undertaken within twenty minutes of the receipt of the booking call.

The Hackney Carriage Inspector will give guidance on the implementation of the system to be adopted by any particular licensed operator.

- Date vehicle required, if different from date received also time the journey is to commence.
- Location where passenger will board the vehicle.
- Destination stated
- Detail of action taken to provide the service required.

If passed to another licensed operator and accepted, identity required of person who received and accepted the booking, together with time and date.

B. Bound book form recording all the information as listed in the five items above.

A licensed operator using both forms of record, 'A' and 'B', may record on the loose leaf documents only sufficient information to meet the requirements of the day to day operation of the business.

A licensed operator may record any additional information as required.

The records (**A or B**) will be retained for a period of not less than six months.

In the case of record "A" the period of retention will commence from the date the journey was undertaken.

In the case of record "B" the period of retention will commence from the date of the last journey undertaken in the book.

C. Computer Records

Where a computer is used to record bookings of a Private Hire vehicle, the record should contain information identical to the requirements of a written record, and at the end of every working day - a record of all computer bookings for that working day is to be made and retained for a period of not less than 6 months and 1 day. In the event of a failure of the computer to record bookings then a written record should be made and retained in accordance with "A" or "B".

3 VEHICLE CATEGORIES

Private Hire Vehicles of the approved type will be licensed according to their proposed usage in the following categories:-

Category A -Non-metered vehicles: Specialist and port/airport vehicles

Category B – Metered Vehicles : All other vehicles

It shall be the responsibility of the Operator to ensure that vehicles engaged on their circuit fully comply with the vehicle category in which they are licensed.

4 ADVERTISEMENT

Advertising on Vehicles:-

Each Private Hire Operator is responsible for ensuring that their advertising is only displayed on a vehicle linked to their circuit. Only advertising approved by the Licensing Board may be displayed.

See Schedule 2

5 RECORD OF COMPLAINTS – DRIVERS

The Operator shall:-

(a) Record all complaints received concerning vehicles and drivers to include the name and address of the complainant, date received, details of action taken and outcome of such complaint. Any unresolved complaint shall be reported to an Officer of the Council namely the Public Carriage Inspector within seven days of the date of the complaint was received.

(b) Keep

(i) a record of DRIVERS to include their licence number and expiry date of Hackney Carriage/Private Hire driving licence and

(ii) such information as can enable the operator to identify the driver of a vehicle at any particular time.

(c) The RECORDS as detailed in (a) and (b) to be retained for a period of not less than six months following the date of the last entry and be made available for inspection by an authorised Officer of the Council.

- 6 **PLANNING PERMISSION**
The Operator shall obtain any necessary planning permission required for the premises and shall comply with any conditions attached thereto.
- 7 **SERVICE**
The Operator shall provide adequate telephone facilities and staff to provide an efficient service to the public using the Operator's facilities.
- 8 **RADIO EQUIPMENT**
The Operator's radio equipment, where such is installed, shall be maintained in a sound condition and any defects shall be repaired promptly. All equipment shall comply with current regulations including planning permission.
- 9 **PREMISES**
The Operator premises, especially that part to which the public have access, shall be kept clean, adequately heated, ventilated and illuminated, with due regard to the health and safety of all persons on the premises.
- NOTE: Operators are advised that they should ensure that they comply with any requirements of the Disability Discrimination Act.
- 10 **CONTRACT OF HIRE**
Every Contract for Hire of a vehicle shall be deemed to be made with the Operator whether or not he/she himself/herself provides the vehicle.
- 11 **RETURN OF LICENCE**
If at any time during the period of the licence the licensee ceases to be in business as an operator, they must inform the Council in writing immediately and return the licence within seven days.
- 12 **CHANGE OF ADDRESS**
The Operator shall within seven days notify in writing to the Council any change of address, including any address from which they operate or otherwise conducts the business as an operator.
- 13 **CONVICTIONS**
The Operator shall, within seven days, disclose to the Council in writing, during the period of the licence, any criminal or road traffic convictions, or instant penalty notice imposed:-
- (a) upon him/her (or if the Operator is a company or partnership, on any of the Directors or Partners); and
 - (b) any driver or proprietor of the vehicle operated under the licence.

Statutory Provisions

STATUTORY PROVISIONS CONTAINED IN PART II OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976, TOWN POLICE CLAUSES ACT 1847 AND, BOURNEMOUTH BOROUGH COUNCIL ACT 1985

Any person who contravenes any of the following provisions commits an offence and shall be liable on summary conviction to a fine.

REQUIREMENTS TO HAVE A LICENCE(S)

Only Hackney Carriages driven by Hackney Carriage Drivers, both of which are licensed by the Council, may ply for hire in a street.

Other vehicles may only act for hire and reward if :- the vehicle, driver and Operator each have a licence issued by the same District Council and the hiring has been booked prior to commencement of the journey. These vehicles may not ply for hire in the street.

Hackney Carriages must only be driven by the holder of a Hackney Carriage drivers' licence, whether or not the journey is for hire or reward.

Private Hire Vehicles must only be driven by the holder of a Private Hire drivers' licence, whether or not the journey is for hire or reward.

No person being the proprietor of a vehicle licensed by the Council, shall employ as the driver thereof any person who does not have a current licence.

The Operator shall only engage a driver to drive a licensed private hire vehicle, who is the holder of a current driver's licence issued by the Council.

The Operator will only use and operate a vehicle as a private hire vehicle which is currently licensed by the Council for use as a private hire vehicle.

REQUIREMENTS OF A LICENCE

No driver of a Hackney Carriage shall refuse a customer without reasonable cause.

The proprietor of a licensed vehicle shall ensure that the licence plate is displayed as required.

No operator of a Hackney Carriage or Private Hire Vehicle shall refuse to carry a passenger with an assistance dog. No charge will be made for the carriage of such a dog.

No driver of a vehicle licensed by the Council shall unnecessarily prolong, in distance or in time, the journey for which the vehicle has been hired.

The driver of a licensed vehicle shall, at the request of any authorised officer or constable, produce for inspection, his hackney carriage/private hire driver's licence.

The proprietor of a licensed vehicle shall report any accident causing material damage to the Licensing Office as soon as reasonably practicable.

The proprietor of a licensed vehicle shall submit it for inspection and testing at a designated place when required by Council.

The Operator shall make a record of every booking of a private hire vehicle before commencement of each journey. This record shall be in a form required by the Council and must be produced at the request of an authorised officer or constable.

On expiry or revocation of a vehicle licence a proprietor shall return the licence plate to the Council.

Drivers conducting Private Hire journeys are required to wear an identity badge issued by the Council, in a position and manner, which is plainly and distinctly visible.

No person shall cause any vehicle other than a Hackney Carriage to wait on an appointed Hackney Carriage Stand.

No proprietor of a licensed vehicle shall transfer interest in the vehicle without proper notice to the Council.

No person shall solicit in public for persons to be carried by hire vehicles.

TAXIMETER

No person shall tamper with any seal or alter any taximeter with intent to mislead.

No proprietor shall allow a vehicle to be fitted with a taximeter, which has not been tested and approved by the Council.

No person shall charge a fare in excess of that displayed on the taximeter.

No Private Hire Vehicle shall display any sign or advertisement, which indicates that the vehicle is available for hire using the words 'taxi', 'tax', 'cab' or 'hire' or any word of similar meaning.

Schedules

SCHEDULE 1 HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE INSPECTION REPORT

Registration No:

HC/PH Plate No:

TESTABLE ITEM

LIGHTING EQUIPMENT

Front and rear lamps
 Headlamps/Condition/Aim
 Stop Lamps Fog Lamps
 Rear Reflectors Number Plate
 Direction Indicators-Hazard Warning
 Battery Security

TESTABLE ITEM

SEAT BELTS

Security of Mountings
 Condition of Belts/Operation

STEERING AND SUSPENSION

Steering Control
 Steering Mechanism/System
 Power Steering
 Transmission Shafts
 Wheel/Bearings
 Suspension/Front – Rear
 Shock absorbers
 Chassis

GENERAL ITEMS

Windscreen wipers & washers
 Windscreen condition – view of the road
 Horn
 Exhaust System
 Exhaust Emissions
 Engine oil leaks and fumes
 Vehicle structure
 Bodywork condition – exterior*
 Bodywork condition – interior*
 Mirrors
 Fuel System
 Registration/Licence Plate*
 Roof Sign*/Fire Extinguisher*
 Roof Lights*
 METER/test/visible to passengers*
 Fare Chart/Identity Disc*

BRAKES

A.B.S. Warning System/Controls
 Condition of Service Brake System
 Condition of Parking Brake System
 Service Brake Performance
 Parking Brake Performance

INSURANCE TYPE

TYRES AND WHEELS

Tyre/Type/Conditions
 Road Wheels
 Alloy wheels or wheel trims/embellishers*

SCHEDULE 2

GUIDELINES for ADVERTISING

HACKNEY CARRIAGES

- (i) Advertising shall only be located on the rear passenger doors or the equivalent portions and shall be below window level
- (ii) The advertising panel shall not be wider than 420mm nor higher than 300mm.

PRIVATE HIRE VEHICLES

Category A

Each Private Hire operating this type of vehicle must present their proposals to the Licensing Office for approval.

Category B

- (i) Advertising shall only be located on the rear passenger doors or the equivalent portions and shall be below window level.
- (ii) The advertising panel shall not be wider than 420mm nor higher than 300mm.
- (iii) Advertising on Private Hire vehicles must include the words "Pre-Bookable Vehicle Only" in letters not less than 18mm high in a contrasting colour which is clearly visible.
- (iv) No advertising on Private Hire vehicles shall contain the words "Taxi", "Tax", "Cab" or any other words that might imply that the vehicle is a Hackney Carriage, whether in the singular or plural or as part of another word.

Each Operator must present their proposals to the Licensing Office for approval.

THIRD PARTY ADVERTISING

Each Operator wishing to display third party advertising must present their proposals to the Licensing Office for approval. Once permitted the following will apply:

- (i) One advert per car to be placed on the rear sides of the vehicle
- (ii) Advert to be fixed and maintained in good condition - that is, no peeling, blistering or fading
- (iii) Adverts will be permitted to display website addresses but not telephone numbers
- (iv) Background colour of advert to be transparent or match with the vehicle as appropriate

INTERNAL SIGNS

- (i) No sign shall be displayed inside a vehicle without the approval of the Licensing Office
- (ii) Any application should be submitted together with the appropriate fee.
- (iii) The Board may waive this fee where the display of signage is considered to be in the public interest.
- (iv) Approved signs shall only be displayed below window level.
- (v) Advertising on headrests will be permitted subject to the normal approval process for third party advertising

SCHEDULE 3

REQUIREMENTS FOR DRIVERS OF PUBLIC CARRIAGE VEHICLES

Minimum Criteria:

- Must have reached 21 years
- UK citizenship (birth certificate or passport) or proof of right to remain and work in the UK (EEA passport or UK visa or Application Registration Card – ARC)
- A valid driving licence (UK group B entitlement for more than 12 months or the same EEA entitlement registered with DVLA)
- Residence at the address shown on the driving licence. Requirement of Motor Vehicle (Driving Licence) Regulations.
- Medical fitness to Group II entitlement, certified by a your own G.P. or a G.P. at the same practice who has access to the driver's medical records. Requirement of Motor Vehicle (Driving Licence) Regulations.
- Submit to a satisfactory Criminal Records Bureau check
- A satisfactory DVLA check on licence status.
- Pass the Council's knowledge test.
- Successfully complete a Driver Competency Test
- Have completed VRQ Level 2 Intermediate Award in Transporting Passengers by Taxi and Private Hire or similar suitable qualification.

Reapplication

Where an applicant has previously had a licence revoked by the Council the Authority will not, save in exceptional circumstances, consider any further application from the applicant for a period of three years from the date of the Authority's decision or, if that decision was appealed against and the appeal was dismissed, abandoned, or otherwise failed, from the date of the dismissal, abandonment or other failure of the appeal, whichever is the later.

SCHEDULE 4

GUIDANCE REGARDING RELEVANT CONVICTIONS, FORMAL/SIMPLE CAUTIONS, COMPLAINTS, INAPPROPRIATE BEHAVIOUR & OTHER MATTERS WHICH MAY BE CONSIDERED IN GRANTING/REFUSAL OF A LICENCE

When submitting an application for a licence to drive a Hackney Carriage or drive or operate a Private Hire Vehicle, individuals are requested to declare any convictions or cautions they may have. The information given will be treated in confidence and will only be taken into account in relation to the application in question. Due to the transient nature of the employment in the public carriage trade, all drivers licensed by Bournemouth Borough Council have the potential to be engaged in contracts which involve transporting of vulnerable people. Therefore, to ensure public safety the Council will carry out enhanced checks through the Criminal Records Bureau. Information received will be kept in strict confidence while the application process takes its course and will be retained for no longer than is necessary. The disclosure of a criminal record or other information will not debar any applicant from obtaining a licence unless the Council considers that the conviction renders him or her unsuitable. In making this decision, the Council will consider the nature of the offence, how long ago and at what age it was committed and any other factors which may be relevant. As hackney carriage and private hire vehicle drivers maintain close contact with the public, **where the commission of an offence involves loss of life a licence will normally be refused.**

Any applicant refused a Licence on the grounds that he/she is not a fit and proper person to hold such licence has the right of appeal to a Magistrates' Court.

GUIDANCE REGARDING OFFENCES

1. Each case will be decided on its own merits.
2. The Council has a duty to ensure so far as possible that drivers and operators are fit and proper persons to hold licences. One aspect of that is the extent to which previous convictions, including but not limited to convictions for offences against children and young persons, dishonesty, sexual offences, traffic offences, violence and drugs indicate that a person is not a fit and proper person, and would not take advantage of passengers or abuse or assault them.
3. The following examples afford a general guide on the action to be taken where convictions are admitted: - See also 'Intelligence' below.
 - Revocation of licence
 - Suspension of licence
 - Written warning

INTELLEGECE & OTHER INFORMATION WHICH HAS NOT RESULTED IN A CRIMNAL CONVICTION

The Council will sometimes be made aware of other intelligence or low level information about an individual which has not resulted in the conviction of that person but is relevant in relation to their character. Officers will give appropriate consideration to this information and will seek to consult with other appropriate agencies in order to ensure that they have a comprehensive understanding. Where appropriate, officers will consider such information/ intelligence in accordance with the Councils disciplinary policy. Any additional information gathered through this process may then be taken into account at any subsequent licensing appeal.

FOR FULL INFORMATION REGARDING THE COUNCILS POLICY REFER TO THE POLICY DOCUMENT www.bournemouth.gov.uk/Business/Licensing/TaxiLicensing/applyfortaxidiverslicence.aspx

Appendices

APPENDIX 1

Bournemouth Borough Council Public Carriage Driver/Proprietor/Operator Disciplinary Action Policy Guidance

This policy guidance is issued to inform the Public Carriage Trade, and members of the public, of the Council's approach to discipline for breach of Public Carriage licensing rules and improper conduct. The guidance is not intended to cover every possible circumstance and there is an expectation that licensees will comply with all relevant legislation.

- The Licensing Authority will act with proportionality and consistency.
- Disciplinary action taken under this policy is without prejudice to the Licensing Authority right to institute legal proceedings, where a criminal offence has been committed.

Examples of licensing breaches or conduct likely to receive a written caution

Cautioning may be appropriate for single breaches, where the offender has not received any written caution or other disciplinary action for the same or similar breach within the last 12 months:

GENERAL

- Persistent failure to comply with Road Traffic legislation
- Failure to behave in a civil and orderly manner to customer and/or other road users
- Refusal to carry passengers without reasonable excuse/ refusing to wait
- Failure to convey or assist with carrying of luggage
- Driving in a manner likely to cause alarm to passengers/ road users
- Failure to display tariff or fares or to conceal same
- Vehicle not cleaned or well maintained
- Failure to wear/display driver badge
- Failure to deliver lost property to Town Hall

VEHICLE DEFECTS

- Failure to display vehicle licence plate/licence disc internally/ other signage
- Failure to report accident within 72 hours
- Failure to produce insurance documents at request of authorised officer within 5 days
- Failure to produce interim MOT
- Unauthorised signs /window stickers/ adverts
- Failure to notify transfer of vehicle licence—or change of vehicle
- Defective taxi meter/ printer
- Defective taxi top light
- Unattended Hackney Carriage vehicle on rank
- Failure to attend mechanical inspection
- Late cancellation of mechanical inspection—give less than 24 hours notice
- Defective lights, horn, indicators, exhaust system, tyres, brakes

OPERATOR BREACHES

- Premises unclean—not fit for use
- Failure to keep proper records of bookings of complaints
- Failure to keep current driver/ vehicle licence details

In all cases the caution will be in writing and stipulate a timescale for the matter to be corrected, if appropriate. If the matter is not corrected within the timescale stipulated, or there is a repetition, further disciplinary action may follow.

The Licensing Team Manager or another manager at principal officer level or higher, has authority to approve and issue letters of caution.

Examples of licensing breaches or conduct likely to receive suspension for a defined period, or revocation of licence:

- Any of the contraventions listed in the 'caution' section above, in these or similar circumstances:
 - where the offender has received a written caution or other disciplinary action for the same or a similar breach within the last 12 months; or
 - where the offender did not correct a matter as required by a written caution; or
 - where several breaches have been committed together;
or
 - where the matter is considered too serious for a caution to be appropriate
- Permitting no insurance, or insurance that is invalid to cover public carriage use
- Permitting unauthorised/ unlicensed drivers
- Using or permitting use of unlicensed /unauthorised vehicle
- Falsifying or making untrue representations in Licence applications or other council licensing documentation.
- Obstruction of an authorised officer of the Council or of a Police Officer in the course of their duty.
- The commission of a criminal offence, or engagement in an activity of a type that brings suitability as a licensee into question.
- Causing injury to passengers, members of the public or other road users by negligence or intent.

The action taken will be proportionate and take into account all the circumstances including previous suspensions and cautions. Decisions will be determined by a review of available facts at the time the decision is taken.

Authority to suspend or revoke.

Suspension/Revocation with immediate effect:

A licence can be suspended or revoked immediately in the interests of public safety under the provisions of section 61(2B) of the Local Government (Miscellaneous Provisions) 1976. If the Council is advised of such conduct, a decision may be taken in consultation between officers and at least three members of the Licensing Board. In such cases efforts will be made to contact the driver to advise of the situation and establish if there is any other information that may be relevant and should be considered before any decision is made.

Suspension/Revocation/Caution following Licensing Board hearing:

Where a decision does not need to be considered immediately, it will be considered at a formal hearing of the Licensing Board where the alleged offender (and any witnesses) will be afforded the opportunity to hear the evidence and present their case.

Following a hearing members may direct that letters of caution be issued, suspend a licence for specified periods of time, or revoke a licence. Other conditions or stipulations may be attached to the decision as Members see fit.

Appeals against decisions taken.

Decision to caution by manager—register a complaint in writing to the Head of Regulatory services.

Decision to caution by Members—no appeal possible.

Decision to suspend or revoke licence—relevant information regarding statutory right of appeal to the Magistrates Court, will be provided in a written notification of the Council's decision.

APENDIX 2

SAFEGUARDING VULNERABLE PASSENGERS AGAINST HUMAN TRAFFICKING AND CHILD SEXUAL EXPLOITATION

1. Everyone is becoming aware of the well-publicised issues relating to Child Sexual Exploitation and Human Trafficking that have occurred throughout the country. These are abhorrent crimes, and Bournemouth Borough Council has a duty to assist the Taxi and Private Hire Trade and the public in tackling this issue, and to protect those who are vulnerable and/or being exploited. We need the help of taxi and private hire drivers and operators to identify those who commit these crimes, and protect those who most need our help.

HUMAN TRAFFICKING

2. Human Trafficking is the crime of moving a person (adult or child) from one place to another into conditions of exploitation, using deception, coercion, the abuse of power or the abuse of someone's vulnerability.
3. Unfortunately vulnerable persons can be "moved" by criminals who chose to have the journeys carried out in licensed vehicles, without the drivers having any reason to believe that such a person is a victim of such a crime.
4. Taxi and Private Hire Drivers are the eyes and ears of their communities through the work they do and the contacts they have, and if you are able to spot the signs of human trafficking and know how to report this crime, you can be a major force in tackling this terrible activity.
5. There are three main elements involved with Human Trafficking:
 - **Movement:** recruitment, transportation, transfer, harbouring or receipt of people (adults or children).
 - **Control:** threat, use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, or the giving of payments or benefits to a person in control of the victim.
 - **Purpose:** exploitation of a person (adult or child), which includes prostitution and other sexual exploitation, forced labour, slavery or similar practices, street crime, forced marriage and the removal of organs forced to work, beaten, abused and too scared to escape.

6. What to look for?

There are various tell-tale signals to look for. One sign on its own does not mean someone has been trafficked, but several signs together should give you cause for concern. Perhaps the person shows signs of the following:

- Does not know their home or work address
- Allows others to speak for them when addressed directly

- Live or travel in a group, sometimes with other persons who do not speak the same language
- They are collected very early and/or returned late at night on a regular basis
- May have inappropriate clothing for the work they are performing, and/or a lack of safety equipment
- Their physical appearance may show signs of injury, malnourishment, unkempt
- They may be isolated from the local community and/or appear to be under the control or influence of others
- Have no cash of their own
- Be known to work at a brothel and be frequently moved from one site to another

CHILD SEXUAL EXPLOITATION

7. Child sexual exploitation is another area of child protection where licensed drivers may help to protect our children and young people.
8. Child sexual exploitation is widespread across all communities, and presents a very real risk of harm to our children and young people. Children and young people of any class, race, age, religion or culture are equally vulnerable to Child Sexual Exploitation, and both boys and girls are at risk. Similarly, those who sexually exploit children and young people can be from any class, culture, race, religion or background, and men, women and other young people might be involved in the exploitation of children and young people.
9. **What to look for?**

The following is a list of things that might indicate that a child or young person is being sexually exploited:

- Going missing from home
- Relationships with older males or females
- Concern that young person is sexually active
- Experimenting with drugs and/or alcohol
- Secretive behaviours
- Involved in offending behaviour
- Unexplained mobile phones/credit/cash
- Accepting lifts in different cars
- Physical injuries including self harm
- Change in physical appearance
- Evidence of sexual bullying and/or vulnerability through the internet and/or social networking sites
- Receiving gifts from unknown sources
- Children or young people who may seem to be getting others involved in situations that are exploitative

10. If you pick up a child or young person who seems to be involved in these kinds of activity or situations, you can do a lot to help us to help them. It is very useful to Police and Bournemouth Borough Council if you make a note of anything worrying that you see or hear that makes you suspicious that a child or young person may be involved in sexual exploitation.

WHAT TO REPORT AND WHO TO CONTACT

11. The sort of information that would be very helpful for you to report would include things like:
- Anything that is said that makes you suspicious
 - Any names that are mentioned
 - Descriptions of the children, young people and adults involved in the suspicious activity or conversations
 - Addresses of pick up and set down. This could be houses and flats, or might be, for example clubs, pubs or fast food or other premises
 - Dates and times of when you have seen and heard suspicious things happening or being discussed.
12. If you think you may be carrying someone who is vulnerable and/or the victim of exploitation or trafficking:
- **Phone 999 if you believe that the risk is imminent/assault happened or likely to.**
 - Record and report concerns to the Police 101 and/or the safeguarding services if a child or vulnerable adult is involved.
 - Signpost if safe to do so - offer the passenger information (for example make contact cards or window stickers visible) - stickers and cards can be obtained from the Council Offices.
 - Alternatively, you can report your concerns through the Bournemouth Borough Council website www.bournemouth.gov.uk/CSE or the My Bournemouth app.

GOOD SAFEGUARDING PRACTICES

13. By following the Good Safeguarding Practices below you will be helping to protect those who are vulnerable and/or being exploited. We need your help to bring to justice those who commit these crimes.
- Check at the point of booking if there are any vulnerability issues. This will allow you to prepare for the journey in the right way.
 - Ask the person booking if an escort for the vulnerable passenger is required and if they are providing one.
 - Let your head office know (or keep a record) of the time you picked up the vulnerable passenger, the time and place you dropped them off and whether there was any incident or anything significant on the journey.

- If you refuse to take a passenger inform someone that you can't take them so they can deal with the person another way (e.g. hospital staff; family; security staff if a club/pub)
- Record incidents and refusals
- Be professional - try not to be over-friendly or talk about personal or intimate issues, don't exchange personal contact information such as passenger's telephone numbers or multi media addresses.
- Avoid swearing or aggressive behaviour.
- Do not touch passengers.
- Never accept an offer of a sexual favour instead of payment.
- Make sure you are wearing ID, (your licence badge and your company uniform)
- Sit lone passengers in the back unless otherwise agreed.
- Ask or explain to passengers if using a centralised locking system - don't just put it on without an explanation.
- DON'T ASSUME that your passenger wants help - ALWAYS ASK
- Never follow a passenger into the house unless previously agreed/properly authorised
- ASK before making a journey shorter by going off the main roads/using isolated country roads, explain and give the passenger (or person booking) a choice of route.
- NEVER set off with a passenger without a specific destination address
- NEVER double up on a booking – even if passengers are travelling in a similar direction, they may pose a threat or risk to the other passenger
- If you think the passenger is afraid, offer to ring head office to tell them you have a passenger named XXXX with you and give the address and approximate time of arrival; this reassures the person that they are safe and someone is monitoring the trip.
- As with all professions if you are concerned about another driver's conduct report your concerns to your manager or the relevant agency.
- Organisations should have a lead member of staff for safeguarding; this person should be able to advise colleagues about how to manage vulnerable passengers and any incidents arising.
- ALWAYS KEEP A RECORD either in your cab or at head office, of ANY incidents or situations you were not happy with – the record should include a description of what happened and what you did to keep yourself and your passenger safe.

PLEASE REMEMBER THAT YOU ARE IN A GOOD POSITION TO NOTICE THINGS THAT COULD BE STOPPED IF REPORTED.

YOU WILL BE HELPING US TO KEEP VULNERABLE ADULTS, CHILDREN AND YOUNG PEOPLE SAFE.

HACKNEY CARRIAGE STANDS**Location**

- AVENUE ROAD (Boots) – 4 Cars
- BEALES PLACE—2 Cars (Six cars 23.30—05.30)
- BOURNEMOUTH INTERNATIONAL CENTRE and feeder at Court Royal 4 + 4 Cars
- CARDIGAN ROAD—2 Cars
- CHARMINSTER ROAD (opposite Shelbourne Road) - 4 Cars
- CHRISTCHURCH ROAD (opposite College) - 3 Cars
To operate between 11 45 – 05 30hrs
- COTLANDS ROAD — 6 cars
- DEANSLEIGH ROAD (Hospital Approach Way) - 3 Cars
- EXETER ROAD (Pier Road) – 24Hrs – 5 Cars
- EXETER ROAD – (Edwards) – 5 Cars
- EXETER ROAD – Square- 4 Cars
- FISHERMAN'S WALK – 3 Cars
- GERVIS PLACE—To operate between 23.30 and 5.30
- GLEN FERN ROAD
- HAWKWOOD ROAD (24 metres east of Sea Road) – 3 Cars
- HEATHCOTE Road (Hawkwood Road and Christchurch Road) – 24hrs
- HEATHCOTE ROAD (Between Hawkwood Road and Westby Road)
To operate between 23 30 hrs and 18 00 hrs
- HOLDENHURST ROAD (South of Victoria Road)
- HOLDENHURST ROAD (South of St Paul's Road)
- HOLDENHURST ROAD (36 metres north of the landsdowne)
To operate from 23:30 hrs to 03 :30 hrs on the bus stop
- LANDESEER ROAD, WESTBOURNE – 3 Cars
- LANDSOWNE ROAD 10 cars
- LESLIE ROAD—2 Cars
- MEYRICK ROAD – 24Hrs –12 Cars
- OLD CHRISTCHURCH ROAD (Eastwards from no. 229 - O'Neils)
To operate between 23:00 hrs to 02:30 hrs

- PARKWOOD ROAD (10 metres from Seabourne Road)
- PALMERSTON ROAD (38 metres north of Christchurch Road)
To operate between 23:30 hrs and 05:30 hrs – 5 Cars
- POOLE HILL— 1 Car
- POOLE ROAD, WESTBOURNE
- POOLE ROAD (St Michael's Church) – 4 cars
To operate between 23:30 hrs and 05:30 hrs on Bus Stop
- RICHMOND HILL
- SEA ROAD (pier)
- SOUTHBOURNE GROVE (East of Beresford Road)
- TERRACE ROAD - 2 Cars
- TRIANGLE – 2 Cars – 24Hrs
- WESTOVER ROAD – 15 Cars
- WIMBORNE ROAD, WINTON (Nationwide Building Society)

Guidance as to Requirements and procedures

**All the information in this section is
intended for assistance and guidance only
and may be updated when necessary**

GUIDELINES AS TO REQUIREMENTS AND PROCEDURES

NEW/PERMANENT REPLACEMENT OF VEHICLES

If you wish to register a new licensed Private Hire Vehicle or permanently replace any vehicle already licensed, you are required to complete **Form VL29, Notice of Intention** and submit the form **Three Working Days** prior to when you require the licence to commence.

The vehicle must comply with the appropriate legislation and conditions in that it must be:

1. Of a type approved by the Council
2. Not over 3½ years old.
3. Fitted with a meter and receipt printer
4. Carry a fire extinguisher
5. Of the colour permitted for the category of use

To obtain the licence you are required to complete the appropriate **Vehicle Application form, VL08 or VL10** and present the following documentation

1. Insurance Certificate/Cover Note
2. V5C (Log Book)
3. Mechanical Examination Certificate (9Southcote Road)
4. A receipt **from** the receipt printer

If a permanently replacement vehicle

1. Old plates both internal and external
2. Old paper licence

TEMPORARY SUBSTITUTION

You will need to obtain a Temporary Licence Plate in exchange for your current licence plate.

The vehicle must comply with the following requirements

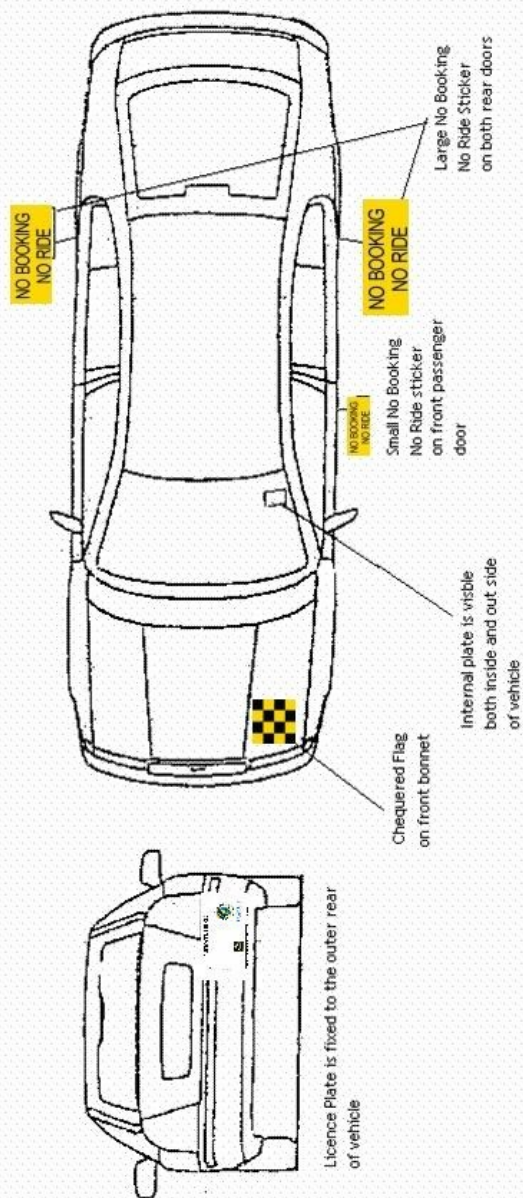
1. Mechanical Examination Certificate (Southcote Road)
2. Mot if above is more than six months old
3. Insurance
4. Meter
5. Must comply with Council's colour requirements (see pages 14 & 21)
6. Existing plate must be surrendered

The substitute vehicle will be permitted to operate for a period **not exceeding four weeks**. Temporary plates will only be issued during office hours (Monday— Thursday 9:00 a.m. to 4:30 p.m., Friday 9:00 a.m.—4:00 p.m.)

Please note

Hackney Carriage Licences Numbers 229—249 must be substituted with a Wheelchair Accessible Vehicle.

Location of Plates and 'No Booking No Ride' stickers



TRANSFERING A PUBLIC CARRIAGE VEHICLE

A public carriage vehicle may be transferred between persons. It is the **vehicle** that is transferable and not the public carriage plate. The plate remains the property of Bournemouth Borough Council and can not be transferred. A licence can only be held by the owner or owners of the vehicle.

A person wishing to transfer their public carriage vehicle to someone else or to put the vehicle into joint names should contact the Licensing Office to make a 'transfer' appointment.

Things to consider when transferring a public carriage vehicle:

- All persons involved with the transfer must attend the 'transfer' appointment as each party needs to sign to show they consent to the transfer.
- If the vehicle is to be held in joint names you will need to specify who is to receive all correspondence, for example the renewal information.
- You will need to bring the following documentation to the appointment:
 - A current Mechanical Examination Certificate
 - The vehicles' V5 document
 - Insurance which shows that the person the vehicle is being transferred to is insured to drive that vehicle
 - Cheque or postal orders

As the owner/ joint owner of a public carriage vehicle you will ultimately be responsible for ensuring that it is maintained in a roadworthy condition and it undergoes the required mechanical checks.

DRIVING, OWNING AND OPERATING A PUBLIC CARRIAGE VEHICLE

It is the responsibility of all drivers, operators and proprietors to ensure that any vehicle they operate is **roadworthy** and complies with the Public Carriage Conditions and Bylaws. Defective vehicles jeopardise not only the lives of the driver, passengers and other road users, but may result in your insurance being voidable.

Vehicles should be checked for any problems, prior to starting a 'shift'. Any problems should be rectified before the vehicle is used or if this is not possible an alternative vehicle should be used. This may require you to obtain a Temporary Plate (see pg 57).

Stop checks are carried out by the Licensing Office on a random basis and any vehicle found to be defective could be taken off the road and further action taken where necessary.

**How to apply for a Hackney Carriage
And Private Hire Drivers Licence.**

The Council has a statutory duty to ensure that applicants are ‘fit and proper’.

APPLICANT REQUIREMENTS

Have reached the age of 21 years.

Be conversant in the English Language.

Hold either a certificate in **Transporting Passengers by Taxi and Private Hire** or a certificate showing **literacy to the Level 2 national standard**.

Hold a valid driving licence (UK Group B entitlement for more than 12 months or the same EEA entitlement, registered with the DVLA) that must be registered at your current address.

Applicants from outside the European Economic Area will be required to prove they have authority to work in the UK. i.e. UK visa or Application Registration Card issued by the Home Office.

If you are not sure whether you meet the necessary requirements please contact the Licensing Section on 01202 451180

Application.

All applications must be made online at www.bournemouth.gov.uk/taxidriver

When applying you will need to produce the following:

Proof of Identification to accompany application

Driving Licence (including Counterpart if Photo-card).

Current Passport or Birth Certificate (UK) issued within 12 months of date of birth.

A recently taken passport photograph.

A certificate showing competence in literacy to national level 2 standard or an acceptable vocational qualification in the carriage of passengers by taxi or private hire.

And any Two of the following:

Utility Bill – Gas, Water, Electricity or Telephone.

Bank/Building Society Statement

Credit Card Statement

Addressed Payslip

Benefit statement

Store Card Statement

Council tax Bill

Benefit Statement

NHS card

They should show current address and not be more than three months old.

Complete a Criminal Records Bureau Check (CRB).

If you have lived in the United Kingdom for less than 5 years, we will require a 'Certificate of Good Conduct' from the appropriate Embassy (It should be accompanied by a translation into English if necessary). See Convictions policy on page 42

Pass a Medical Examination to Group 2 entitlement, known as a Vocational Licence. To be completed by your own GP or at GP at the practice with access to your medical records. Payment is made direct to the GP.

Complete a DVLA form this is on line and instructions are provided on application.

Pass the 'Local Knowledge Test' The pass mark is 70% for Private Hire and 85% for Hackney Carriage for each section. If you fail the test you are allowed to resit on payment of £60 fee.

A Driver Competency Assessment. This is a practical test on your current driving ability. Payment is made direct to the instructor.

The approved instructors, Mr Brian Chidgey tel 01202 309922 or 07970 482431

On successful completion of all of the above you will then be issued with the appropriate licence for 12 months.

BTEC/NVQ Qualification

All applicants are required to have successfully completed the BTEC/NVQ qualification in **Transporting Passengers by Taxi and Private Hire**

The purpose of the BTEC/NVQ is to provide those involved with the public carriage trade with the knowledge, skills and understanding required for effective passenger transport.

For more details regarding the qualification contact:

Bournemouth & Poole College 01202 205025

Brockenhurst College 01590625589

CSE training

All drivers are required to complete the Councils course in Child Sexual Exploitation and Safeguarding. You will be advised how to obtain the training following completion of the Local Knowledge Test.

When submitting an application for a licence to drive a Hackney Carriage or drive or operate a Private Hire Vehicle, you are requested to declare any convictions or cautions you may have. The information given will be treated in confidence and will only be taken into account in relation to the application in question.

Where an applicant has previously had a licence revoked by the Council the Authority will not, save in exceptional circumstances, consider any further application from the applicant for a period of two years from the date of the Authority's decision or, if that decision was appealed against and the appeal was dismissed, abandoned, or otherwise failed, from the date of the dismissal, abandonment or other failure of the appeal, whichever is the later.

MEDICAL

To be completed by your own GP or at GP at the practice with access to your medical records
Payment is made direct to the GP.

Local Knowledge Test

You are required pass the test within twelve months of your application date, and you will only be allowed three attempts after which your application will be closed and you will have wait twelve months before you can reapply.

The test is a written examination and falls into four distinct sections.

Section 1 consists of 30 multiple choice questions that require you to identify the roads at the beginning and end of a specified location.

Section 2 consists of 27 places of interest and you must know the road on which they are located.

Section 3 requires you to name the 3 entrances into Bournemouth International Airport.

Section 4 is 4 questions requiring you to specify the route and name the roads you would use to show the most direct route between two locations.

Private Hire Drivers will require a 70% pass mark on each section. Hackney Carriage Drivers will require an 85% pass mark on each section.

NB Any false information given or anyone caught being dishonest, cheating and any mal-practice committed in any part of the process will result in your application being rejected and you will not be permitted to reapply for an application for three years.

Bournemouth Borough Council – Criminal Record Checks

As part of your application to be a licensed Taxi Driver with Bournemouth Borough Council you are now able to complete a Criminal Records Disclosure check with Online Disclosures who will administer your Disclosure application on our behalf.

Online CRB Application

To apply online you will need access to a computer and a valid email address.

The online application form will guide you through each step of the application to ensure your application is complete and accurate and therefore minimising the risk of your application being delayed.

The online application can be completed with these five steps:

Go to <https://qbg.onlinedisclosures.co.uk> and select

Register

Then use the PIN code and secret word in the table below.

Org name	Bournemouth Borough Council
Org PIN	136514
Secret word	bourneouthtaxi

Complete the application online with all your details.

Select the relevant identification documents (ID) for verification using the online help tool.

You will need your Passport or Driving Licence plus two proofs of address, in the form of an official letter such as a utility bill, bank statement or credit card statement. The documents need to be in your name at your current address.

Complete the online application and present the barcoded letter (to be printed from the online system) with your original identification documents to a participating Post Office. A full list is provided at the end of the application form; one is located at:

Westbourne 10 - 12 Seamoor Road, Bournemouth, BH4 9AP

Once your identity has been verified your application will be sent electronically to the Disclosure and Barring Service. Your Enhanced Disclosure will be sent to your current address.

Applicants may login using their PIN, email and password to receive status updates on their application. Applicants wishing to register with the Update Service will either require the DBS issued E- number or Disclosure number and go to the DBS Update Service at <https://www.gov.uk/dbs-update-service>. Please note a Disclosure must be registered in the Update Service within 19 days of the issue date.

Keep Track of Your Application

You can track the progress of your application by asking for automatic email updates as you are completing your application.

Help and Support

Should you require help and support with your Disclosure application you can contact the TMG CRB

support team on 0845 251 5000 (option 3) or email: online@tmgcrb.co.uk

The support team helpline is available between 8.30 am – 5.30 pm Monday to Friday with a 24-hour messaging service.

PUBLIC CARRIAGE COMPLAINTS PROCEDURE

This procedure relates to complaints by members of the public carriage trade against other members of the trade, and /or their vehicles. It does not relate to complaints made by members of the public, which are addressed under separate procedures.

Background

The Council's Licensing Team investigates complaints regarding alleged contravention of the statutes, conditions and bylaws governing the licensing of Public Carriage drivers and vehicles.

The relevant law does not directly cover all matters of conduct. For example, racial abuse, drink-driving, speeding, and using a mobile phone while driving are offences that must be reported to the Police. The Licensing Team works in partnership with the Police and will be made aware of such matters, since they may have a bearing on the fitness of a driver to hold a Public Carriage licence.

Format of Complaints

Complaints can be made by:

- Telephone
- Email to taxi.privatehire@bournemouth.gov.uk
- Writing to the Town Hall

However before the Licensing Team can proceed with a complaint about a more serious matter that may require investigation, the details must be provided in writing using a witness statement form that the Licensing Team will provide. This written account will form the basis of the complaint so it is imperative for it to contain as much information as possible such as:

- The identity of the vehicle—either the registration plate number of the taxi plate number
- And/or the identity of the driver—drivers name or badge number.
- Time and date of incident
- Account of what **you personally** witnessed including words and actions and action taken or seen.
- The account should only contain actual evidence, mere accusations without any evidence to back them up will be discarded.

Please note that disciplinary action may be taken against persons persistently bringing accusations without evidence (e.g. for malicious reasons). This conduct can not be condoned; it wastes Licensing Officers' time which should be spent dealing with real offences.

The Council is committed to the principles of equality and will take strong action against anyone making complaints that have as their motivation an unreasonable bias against, or desire to single out, any particular group or person.

Incidents/complaints should be reported as soon as possible. As the complaints procedure relies upon the accuracy of the statements given it may not be possible to proceed with complaints about incidents that happened over a month ago.

A copy of the allegation will be forwarded to the person concerned, in accordance with the requirements of natural justice, and they will be invited to give their version of events. In addition, the complainant should be prepared to attend the Licensing Board and/or Magistrates Court, if necessary, in order to support the allegation made.

Nature of Complaints Investigated:

The complaint must relate to an infringement/s of a Public Carriage condition of licence or bylaw. Drivers should therefore ensure they are familiar with the Public Carriage Conditions and bylaws.

Allegations not covered by the above paragraph should be reported to the relevant enforcement body in the first instance. In many cases this will be the Police, who deal with matters such as racial abuse, drink-driving, speeding and using a mobile phone while driving.

The Complaints Process

Once a complaint has been made and a written statement received, the allegation can be investigated. If the complaint is upheld there are several options available. Please refer to the Council's policy guidance on disciplinary action for details (see appendix 1 of this handbook).

The investigation involves obtaining relevant available evidence, assessing it, and questioning the alleged offender. It may be necessary to invite the alleged offender to a formal interview, so that they can respond to the allegation.

Some allegations may amount to a criminal offence as well as a breach of licensing requirements. In this case, the Council has discretion to prosecute offenders, either instead of, or in addition to, disciplinary action taken in relation to licences.

Not all allegations of infringement result in a formal disciplinary process. The Council has discretion to take appropriate and proportionate action. A manager will review the collected evidence with the Licensing Officer before a decision is reached.

In non-serious cases a resolution may be reached by other means e.g. caution, intervention and/or education, where the alleged offender is co-operative and apparently willing not to repeat their mistake.

Where a decision is to take no further action, this does not necessarily mean that the evidence provided by a witness is disbelieved. It more frequently means that evidence is not considered sufficient to take the matter through the legal process, with more than a fair chance that action against the alleged offender would be successful. Where there is not a good chance of success, it would be considered a waste of public money to proceed.

Updating the Complaint

Complainants can expect to be updated in general terms about the progress of their complaint and its final outcome. However complainants can not expect to have access to detailed accounts of the investigation or details of contacts between officers and the party complained about.

While the Council is committed to providing as much information as possible, any investigation must remain confidential to ensure that details do not leak out and become publicly available, which would prejudice the fairness of any legal process.

The Council must also respect commercial confidence. It must also bear in mind that, whenever a trade complaint is made, it usually involves a complaint against a party with which the complainant, or the business for which they work, are in competition for trade. Complaints must be assessed in this light since they will not be seen, in the eyes of the law, as completely impartial.

EQUALITY ACT 2010

The Equality Act replicates the provisions of the Disability Discrimination Act 1995 and 2005 with which the drivers of all licensed public carriage vehicles must comply. This means that all Public Carriage Licence holders are to ensure the fair treatment of all persons and make their services user-friendly for disabled persons, by making reasonable adjustments, where necessary.

It is an offence under the provisions of the legislation:

For a driver to refuse to carry a person with an assistance dog

For an Operator to refuse a booking to carry a person with an assistance dog.

For the driver of a 'designated' vehicle to fail to carry out duties to assist disabled persons as set out in Section 165

In addition to the previous provisions the Act makes it unlawful to discriminate any person for reason of Age, Disability, Gender reassignment, Marriage and civil partnership, Pregnancy and maternity, Race, Religion or belief, Sex or Sexual orientation. Discrimination will include:

refusing or deliberately not providing a service to a person because of their protected characteristics

Offering a lower standard of service to a person because of their protected characteristics

Offering a service on different terms to a disabled person because of their protected characteristics

Failing to make a reasonable adjustment for such a person

Persons should be aware that the term 'disability' includes those impairments that may not be obviously visible such as epilepsy.

THE RENEWING OF LICENCES

Applications for renewal will not be accepted after the licence expiry date.

Public Carriage Vehicle licences are issued on an annual basis and owners should ensure they have all the correct documentation ready for their renewal;

1. Current insurance certificate
2. Current Mechanical Examination Certificate
3. Current MOT
4. V5C (Vehicle logbook).

A Public Carriage Drivers Licence is issued for between 1-3 years, depending upon the applicants/ drivers date of birth and when their medical examination and Criminal Records Bureau check are due. A CRB check is required every 3 years.

Medical Examination

All new applicants are required to undergo a medical examination to show that they are fit to drive. When a driver reaches 45 years of age they should undergo a medical examination every 3 years, and at 60 years of age an annual medical is required. The examination must be carried out by your own G.P. or a G.P. at the practice where you are registered.

LOST PROPERTY

Any lost property found by a driver/ owner/ proprietor of a Public Carriage vehicle should be handed into the Reception at St Stephen's Road, **within 48 hours** of it being found. The property can either be given to the receptionist or placed in a brown envelope, which are available from the customer service desk, and the front of the envelope filled out accordingly.

All lost property bought in is recorded and kept for 3 months. After this time period any property not returned to its owner can be reclaimed by the finder, if they have so requested.

SMOKING IN PUBLIC CARRIAGE VEHICLES

SMOKEFREE LEGISLATION

The Health Act 2006 requires all places of work to be kept smoke free and has included vehicles within its definition of a workplace.

Regulation 11 stipulates that a vehicle shall be kept smokefree if it is used:

- By any members/sections of the public whether or not for hire and reward; or
- If the vehicle is being used for paid or voluntary work by more than one person

Public Carriage vehicles fall under the first definition and as a result must be kept smokefree at all times, even when passengers are not being carried. The legislation applies to anything that may be smoked, such as cigarettes, cigars, pipes and herbal cigarettes.

In order to comply with the smokefree legislation all Public Carriage vehicles must display no-smoking signs, in each enclosed compartment of the vehicle. For example London Style vehicles that have a separate driver and passenger compartment will need to clearly display one no-smoking sign in the driver compartment and one in the passenger compartment.

The Smokefree Regulations stipulate the minimum criteria that the signs should comply with and stipulate that the signs must include the international no-smoking symbol with a minimum diameter of 70mm (see below). Further information and the signs can be downloaded from www.smokefreeengland.co.uk.



It is the responsibility of the proprietor/owner and driver of a vehicle to ensure that no-smoking signs are clearly displayed.

Failure to comply with the legislation is a criminal offence and may attract the following penalties:

- Smoking in a smoke free vehicle: £50 fixed penalty notice for the person smoking.
- Failing to display no-smoking signs: The person who manages the vehicle may be issued with a £200 fixed penalty fine or a maximum fine of £1000 if convicted by court.
- Failing to prevent smoking in a smokefree place: Maximum fine of £2500 on the person who manages the vehicle.

USEFULL CONTACT DETAILS

Licensing Section Tel: 01202 451180
Planning, Transport & Regulation Fax: 01202 451011
Town Hall Annexe E- Mail:

St Stephens Road
Taxi.privatehire@bournemouth.gov.uk
Bournemouth
BH2 6LL
www.bournemouth.gov.uk

Fleet Transport
Southcote Road
Bournemouth
BH1 3SW

DVLA
Swansea
SA99 1BT
ers.dvla@gtinet.gov.uk
www.dvla.gov.uk

Tel: 0870 240 0009
Fax: 0870 850 1285
E-mail: driv-

**Home Office
Immigration and Nationality Directorate
Lunar House
40 Wellesley Road
Croydon
CR8 2BY
www.ind.homeoffice.gov.uk**

National Insurance Contributions Office Tel: 08459 15 45 15
Self Employment Services
Application Processing Centre
Longbenton
Newcastle upon Tyne
NE98 1ZZ
www.inlandrevenue.gov.uk

Criminal Records Bureau
CRB Customer Services
344
PO Box 110
Liverpool
L69 3EF

Tel: 0870 90 90 811
Minicom Line: 0870 90 90 812

Driving Standards Agency
PO Box 280
Newcastle-Upon-Tyne
NE99 1FP
www.dsa.gov.uk

Tel: 0870 010 1372
Fax: 0870 0120 372

The following places currently provide the VRQ/NVQ Course:

Bournemouth and Poole Collage **Tel: 01202 205205**
North Road
Poole

Brockenhurst College **Tel: 01590 625589**
Brockenhurst
Hampshire

Skills UK Ltd **Tel: 01623 491616**
Fairdale House,
Enterprise Close,
Burma Road,
Blidworth,
Nottingham
NG21 0RS

