

Guidance Notes

Applications for Hackney Carriage and Private Hire

Drivers Licences

***Please read the following guidance notes carefully before
completing the relevant application form***

With effect from 1st April 2021

1. General Information

These notes are intended to assist persons in making applications for either Hackney Carriage or Private Hire Vehicle Drivers Licences. The Council has agreed a Taxi Licensing Policy and these notes set out the main points contained within that policy. These notes are not intended to be an interpretation of the law relating to the issue of driver's licences and reference should be made to the applicable legislation as required.

2. Pre-Application Candidate Suitability Test

All new applicants must take a suitability test before being permitted to apply for a licence. There is a fee of £20 for this test which may consist of basic numeracy, literacy and map reading assessments.

These may be written, oral or computer based and will be individual tests although the test may be in a group examination setting with an invigilator.

Applicants will only be permitted to repeat the test on **up to three occasions**.

If the accepted pass mark is not reached on a third attempt an application will not be accepted.

A lack of language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation.

Oral proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others. North Somerset Council will test a driver's proficiency in both oral and written English language skills to achieve the objectives stated above.

Suitability tests are carried out by appointment only. Please telephone 01934 426 800 or email Licensing@n-somerset.gov.uk to book. You will need to have the following documentation available **before** we can carry out a suitability test:

1. An official document containing a photograph e.g. new style driving licence or passport.
2. Details of your National Insurance number.
3. Details of your DVLA driving licence number.

The test covers the suitability of applicants in terms of literacy, numeracy and command of spoken English skills. The test may also involve map reading skills but does not require a detailed knowledge of the area, this will be checked at a later stage in the Knowledge Test.

Applicants must achieve a minimum of an 80% to pass the test.

The test may be delivered by video call or may be delivered via a multiple-choice written test at the **Town Hall, Walliscote Grove Road, Weston-super-Mare, BS23 1UJ**.

If a candidate is successful, they will be issued with an application pack including guidance notes.

Please note we operate the following policy in relation to persons failing the suitability test:

1. Candidates failing a test can take further tests, but this will be on a full re-test basis at the applicant's own expense.
2. Up to three tests may be taken with a minimum of two weeks between each test.
3. Applicants will only be permitted to take 3 tests. If the accepted pass mark is not reached on a third attempt an application will not be entertained.

3. The application process

Applicants will need to have all elements (detailed further below) completed and ready to submit with their application. The following must be included at the time of application:

- 1) Completed application form
- 2) Payment of fee (see **Appendix 1** for further details)
- 3) DBS enhanced check – applied for through North Somerset Council
- 4) Proof of registration with DBS update service
- 5) A completed medical form – dated within 3 months of application
- 6) Copy of DVSA driving test pass certificate
- 7) Right to work confirmation
- 8) Two passport photographs
- 9) Confirmation of attendance at Safeguarding awareness session.
- 10) Confirmation of knowledge test pass.
- 11) DVLA generated driving licence check code

Details of the requirements for each element are explained below.

PLEASE NOTE THAT WHEN COMPLETING THE APPLICATION FORM IN RELATION TO CONVICTIONS OR CAUTIONS WHICH YOU MAY HAVE, ALL CONVICTIONS (CRIMINAL AND OTHER CONVICTIONS), BOTH SPENT AND UNSPENT, AND ALL POLICE CAUTIONS MUST BE DECLARED

Applicants are reminded that a person who knowingly or recklessly makes a false statement or omits any relevant information is guilty of an offence and could face a fine of up to £400.

Please Note:

- 1. Any application with elements missing will be rejected.**
- 2. Applicants should allow 7 days for the licensing process to be completed.**
- 3. Documents such as non-UK birth certificates will need to be translated into English at the applicant's own expense by a source approved by the Council.**

Electronic applications will be accepted accompanied by scanned copies of all required elements. Please submit to: Licensing@n-somerset.gov.uk

4. Driving Test (Driving Vehicle Standards Agency)

All new applicants for driver's licences are required to undergo a driving test under the control of the Driving Standards Agency (DSA). Candidates are required to apply direct to the DVSA examiner (**Bryan Booth – 07970 857027**).

All queries relating to the driving test should be made direct to the DSA examiner and not to North Somerset Council Licensing Team. The cost of the test is paid directly to the DSA

examiner and does not form part of the application fee made payable to North Somerset Council. The current taxi test fees are contained within the driver information pack.

5. Age Restrictions

The **minimum** age for obtaining a Hackney Carriage or Private Hire Drivers Licence is 18 years of age. Applicants must have held a full UK or EU Driving Licence for a **minimum** period of one year before either a Hackney Carriage or Private Hire Drivers Licence can be issued. There are no upper age limits on drivers licences issued or renewed provided a satisfactory medical examination report can be produced.

6. Medical Examinations

North Somerset Council's Taxi Licensing Policy requires all applicants for the first time grant of a Driver's Licence should meet the Group 2 Entitlement standard.

The medical standards for the Group 2 Entitlement are set out in the current version of '**The Medical Practitioners' 'At a glance guide to the current Medical Standards Of fitness to drive' issued by 'Drivers Medical Group DVLA, Swansea'**'. A copy of this document is available from the DVLA website at www.dvla.co.uk.

Persons in possession of a current LGV/PSV Licence and who have undergone a Group 2 medical examination are not required to take a further medical examination provided a copy of the medical examination undertaken to obtain the LGV/PSV Licence can be produced.

A Group 2 medical examination will be required for all existing licensees at the following age intervals:

- 45 / 50 / 55 / 60 / 65 years of age
- 65 years and older – medical examinations on a yearly basis

The medical examination has to be carried out by a qualified medical GP and completed on a North Somerset Council issued template.

7. Local Area Knowledge Tests

Licensed drivers require a good working knowledge of the geographical area in which they operate to meet reasonable customer expectations.

The Licensing Authority acknowledges that advances in technology have seen the development of both hand-held and in-car satellite navigation systems but still require all drivers to be able to navigate around the district in case of their failure.

A knowledge test must be passed which examines knowledge of both local geography and the Highway Code, Bylaws, Driver Code of Conduct and the conditions attached to the licence.

Knowledge tests are carried out by appointment either via video calls or at the Licensing Office at the **Town Hall, Walliscote Grove Road, Weston-super-Mare, BS23 1UJ**. A fee will be required to be paid for each test undertaken.

If an applicant fails 5 attempts the Licensing Authority will not continue the application.

The fees for knowledge tests are shown at **Appendix 1**.

Private Hire Knowledge Tests

The test will be delivered via a multiple choice test either via video call or at the **Town Hall, Walliscote Grove Road, Weston-super-Mare, BS23 1UJ**. Candidates will be required to achieve a pass mark of at least 80% from 30 questions. A maximum time of 40 minutes will be allowed to complete the test. If the test is not completed within the 40 minutes this will result in the failure of the test.

If a candidate is unsuccessful in passing the private hire knowledge test, we will give verbal feedback but will not provide any documentation in relation to questions unsuccessfully answered.

Please note we operate the following policy in relation to persons failing the private hire knowledge test:

1. Candidates failing a test can take further tests but this will be on a full re-test basis at the applicant's own expense.
2. Up to **five** tests may be taken with a minimum of two weeks between each test.
3. If a candidate fails five consecutive tests, the licensing authority will not continue with the application.

The test comprises of the following six sections which all have to be passed with a minimum of an 80% pass mark:

Section	Subject	Number of questions
1	Road Signs	5
2	Licence conditions	5
3	Pubs, clubs, hotels	5
4	Places of interest	5
5	Roads	5
6	Out of North Somerset area locations	5

General Information

1. Road Signs

You will need to be familiar with the main types of roads signs within the Highway Code. These signs can be viewed on the internet at:

<http://www.direct.gov.uk/en/TravelAndTransport/Highwaycode/Signsandmarkings/index.htm>

2. Private Hire Driver's Licence Conditions/Code of Good Conduct

You will need to familiarise yourself with both the conditions attached to Private Hire Driver's Licences and the Council's licensed driver 's code of good conduct. The code of good conduct and licence conditions are included within this driver application pack at Appendixes 2 and 4.

3. Pubs, Clubs and Hotels within the district

You will need to familiarise yourself with the locations of public houses, night clubs and large hotels located in the Weston-super-Mare, Clevedon, Portishead and Nailsea areas of North Somerset.

4. Local places of interest within the district

You will need to familiarise yourself with the locations of the main places of interest within the Weston-super-Mare, Clevedon, Portishead and Nailsea areas of North Somerset. This will include such locations as hospitals, tourist attractions, public transport depots/stations and places of entertainment/leisure.

5. Roads within the district

You will need to have a working knowledge of the main roads in the Weston-super-Mare, Clevedon, Portishead and Nailsea areas of the North Somerset area.

6. Premises/locations in Bristol

You will need to familiarise yourself with the locations of the main places of interest within Bristol and surrounding areas to North Somerset. This will include such locations as hospitals, tourist attractions, public transport depots/stations and places of entertainment.

Hackney Knowledge Tests

The test will require a more in-depth level of knowledge as opposed to that required for the private hire knowledge test.

Detailed knowledge will be required of the Hackney Carriage Byelaws along with a comprehensive working knowledge of the North Somerset area in terms of roads, hospitals, tourist attractions, public transport depots/stations and places of entertainment/leisure.

A good working knowledge will also be required of out of district locations such as hospitals, tourist attractions, public transport depots/stations and places of entertainment. It therefore is strongly recommended that sufficient time is allowed to build up the required levels of knowledge required before taking this test.

The test will be delivered via a multiple choice test either by video call or at the Town Hall, Walliscote Grove Road, Weston-super-Mare, BS23 1UJ. Candidates will be required to achieve a pass mark of at least 80% from 100 questions. A maximum time of 60 minutes will be allowed to complete the test. If the test is not completed within the 60 minutes this will result in the failure of the test.

If a candidate is unsuccessful in passing the hackney carriage knowledge test we will give verbal feedback but will not provide any documentation in relation to questions unsuccessfully answered.

Please note we operate the following policy in relation to persons failing the hackney carriage knowledge test:

1. Candidates failing a test can take further tests but this will be on a full re-test basis at the applicant's own expense.
2. Up to three tests may be taken with a minimum of two weeks between each test.
3. If a candidate fails three consecutive tests, then a minimum of six months should elapse before a further test is taken.

The test comprises of the following seventeen sections which all have to be passed with a minimum of an 80% pass mark:

Section	Subject	Number of questions
1	Road Signs	10
2	Byelaws	5
3	Legislation	5
4	Weston super Mare – pubs, clubs, hotels	5
5	Weston super Mare - roads	5
6	Weston super Mare – places of interest	5
7	Portishead - pubs, clubs, hotels	5
8	Portishead - roads	5
9	Portishead - places of interest	5
10	Clevedon - pubs, clubs, hotels	5
11	Clevedon - roads	5
12	Clevedon - places of interest	5
13	Nailsea - pubs, clubs, hotels	5
14	Nailsea - roads	5
15	Nailsea - places of interest	5
16	Locations in rural areas of North Somerset	10
17	Out of North Somerset area locations	10

In relation to the above subjects, please see the general information notes to the private hire knowledge test for further details. In addition you will need to have knowledge on the Council's Hackney Carriage Byelaws which are shown at Appendix 3 of this information pack.

8. Criminal Record Checks

Prior to issuing a driver's licence we carry out a criminal record check to assess the suitability of an applicant. Applicants are judged against the Council's Criminal Conviction Policy, shown at **Appendix 5**, which incorporates Home Office guidelines and the department of transport statutory standards. The policy covers motoring offences, drunkenness, misuse of drugs, indecency offences, violence and dishonesty. Each application will be considered on its merits and unspent offences and spent offences may be taken into consideration when assessing suitability.

The Licensing Team are registered with the Disclosure Barring Service (DBS) and can undertake criminal record disclosures on behalf of applicants and existing licensees.

Following advice from the DBS on the portability of criminal record disclosures we do not accept DBS Disclosures obtained prior to making an application with the Council. We require all applicants to provide a fresh DBS disclosure on initial application and to register with the DBS update service for future checks.

An additional check will be made by the Licensing Authority, through the update service, every 6 months for the duration of a licence.

DBS check applications cannot currently be submitted other than in person. Please call the licensing office on 01934 426 800 or email licensing@n-somerset.gov.uk to book an appointment.

9. DVLA Driving Licence Checks

All applicants for the grant and renewal of driver's licences will be required to grant access for the Licensing Authority to check their DVLA driving licence. These checks are made to ascertain the presence of any motoring offences or driving bans recorded against the applicant's DVLA driving licence. Applicants will be required to provide a generated access code which is within one week of submitting their application.

10. Safeguarding awareness

All drivers will be required to attend a training session on safeguarding children and vulnerable persons. The training session will cover the conduct and responsibilities of those licensed. It will provide guidance in identifying when vulnerable people need protection and how to ensure they are taken to a place of safety. It also details the need to report immediately any such incident or occurrence to the police and/or social services, and provides the necessary contacts and procedures to be followed.

Awareness sessions last approximately one hour and are held on a monthly basis. A place can be booked by contacting the Licensing office.

There will be a requirement to periodically undergo refresher training as determined by the Licensing Authority.

11. Applications from non UK residents

We require a five-year criminal record background check for all applicants. Applicants who have not lived in the UK for 5 years prior to an application being made will need to produce a certificate of good conduct authenticated and translated by the relevant embassy as required. This will be in addition to a DBS Enhanced Disclosure as detailed in section 7 above.

The Council expects all non-UK residents to produce written evidence that they hold an entitlement to work in the United Kingdom. The Licensing Authority reserves the right to refuse to issue any licenses in the absence of suitable documentation verifying an entitlement to work in the UK.

12. Approval Process

Licence applications are approved by either officers on a delegated basis, or by the Licensing Sub-Committee. Delegated decisions are made for applications where the applicant is deemed a fit and proper person to hold a licence. In circumstances where such a decision cannot be made e.g. the existence of relevant criminal convictions or a failure to declare criminal convictions, then the application will be determined by the Council's Licensing Sub-Committee.

When an application is referred to the Licensing Sub-Committee the applicant will be informed of this decision and will be invited to attend the meeting where the application will be considered. When sensitive matters are to be considered e.g. criminal convictions the meeting will not normally be held in public and only officers and councillors will be present.

All applicants have a right of appeal to the Magistrates' Court against decisions made on applications by the Council. An appeal must be made to the North Somerset Magistrates' Court within 21 days of receipt of written notification of the decision on the application made.

13. Failure to renew

Renewal of licence must be submitted a minimum of 7 days before the licence expiry. Failure to renew a driver's licence (all categories) by the expiry date of a Licence will require the licence holder to apply as a new applicant. This will include the re-taking of driving test, medical, DBS check and knowledge test. In addition, the higher initial application fee will be charged. We will send a written notification to all licensees prior to a licence expiring. It should though be noted that the responsibility for the renewal of the licence rests with the licensee and non-receipt of renewal correspondence will not be accepted as a reason for the non-renewal of a licence unless extenuating circumstances can be proved by the licensee.

Renewal DBS and Medical checks must be applied for a minimum of 4 weeks before expiry. Licence holders should expect to have their licence suspended if any element becomes overdue. The suspension will remain until a renewal DBS or Medical is received.

If a licence is still suspended at the time of renewal, the licence will lapse and a new application will need to be made.

14. Driver Code of Good Conduct

The Council has an agreed and agreed code of good conduct for licensed drivers. The code is shown at **Appendix 2** and provides guidance on the standards expected from licensed drivers. Failure to comply with the requirements of the code may result in formal action being taken by the Council against a licensee. Familiarisation with the code and compliance with the requirements is therefore recommended.

15. Hackney Carriage Byelaws

The Council has specific byelaws in relation to Hackney Carriages. Hackney Carriage Driver Licences do not contain any conditions attached to the Licence, but all Hackney Carriage Drivers are subject to the byelaws. Knowledge of and compliance with the byelaws is therefore essential for licensed drivers of Hackney Carriages. A copy of the Council's Hackney Carriage Byelaws is shown at **Appendix 3**.

16. Driver Licence Conditions

The conditions which we attach to Private Hire Driver Licences are shown at **Appendix 4**. Applicants for Private Hire Driver's Licences will need to be familiar with these conditions.

Drivers with a combined Hackney and Private Hire drivers licences will be subject to these conditions at any time they are operating as a private hire driver.

17. Data Protection – privacy notice

North Somerset Council is registered with the Information Commissioner's Office for the purposes of processing personal data. We commission the following organisations that deliver some services on behalf of North Somerset Council but only in relation to the administration of the statutory duties detailed below:

Advanced Motoring Services, Unit 6, Knightcott Industrial Estate, Banwell, Weston super-Mare, Somerset, BS29 6JN Tel: 01934 824551 or 01934 824396

The information you provide will be held and used in accordance with the requirements of UK and European data protection law. The information will form part of your Environmental Protection and Licensing Account and will be kept for six years from creation, or expiry date of license.

Unless otherwise agreed with you, we will only collect the minimum personal data required to deliver the service, which includes name/address/contact details along with any financial information you provide relating to services requiring payment.

We will not use your personal information in a way that may cause you unwarranted nuisance. Failure to provide the information could result in your service request not being processed and in certain circumstances could constitute an offence.

The information provided may be shared with the police, other local authorities, fire brigade, NHS partners including the Ambulance Service, Safeguarding boards, Department of Environment Food and Rural Affairs, Health and Safety Executive, HM Revenue and Customs, Department of Transport, Department of Work and Pensions, Driver and Vehicle Licensing Agency, Vehicle Operators and Services Agency, UK Border Agency Gambling Commission, Home Office, English Nature, Natural England, Wessex Water, Bristol Water, Environment Agency, Coastguard and Maritime Agency, Home Office, Oil and Pipelines Agency, Civil Aviation Authority, County or Civil courts, intellectual property holders or expert witnesses, who have demonstrated that they have a lawful and legitimate interest in the information, for the purposes of investigations into criminal activity. At no point is your data shared or processed outside of the UK.

We may lawfully disclose information to public sector agencies to prevent or detect fraud or other crime, or to support the national fraud initiatives and protect public funds under the Local Audit and Accountability Act 2014. Under the conditions of the Digital Economy Act 2017, we may also share personal data provided to us with other public authorities as defined in the Act, for the purposes of fraud or crime detection or prevention, to recover monies owed to us, to improve public service delivery, or for statistical research.

We do not share the information with other organisations for commercial purposes.

You have the right to see the personal data we process about you, as well as the right of objection, rectification, restriction and erasure in some circumstances. For details of how to make such a request, please visit www.n-somerset.gov.uk/sar

If you have any questions or concerns about the way we process your personal data, our Data Protection Officer can be contacted at DPO@n-somerset.gov.uk

18. Change of Address

If you change address whilst in possession of a drivers licence you must notify the Licensing Office of your new address within 7 days of the change taking place. Failure to notify a change of address is a breach of the licence and could result in formal action being taken.

19. Contact Information

If you require further information or assistance about applying for a licence, please contact the Licensing Team as follows:

North Somerset Council
Licensing Team
Town Hall
Walliscote Grove Road
Weston-super-Mare
BS23 1UJ

 01934 426 800

Fax: 01934 426 230

Email: licensing@n-somerset.gov.uk

Online enquiries: [Enquiry Form](#)

Web: www.n-somerset.gov.uk/licensing

FEES April 2021 to March 2022

Service	Fee
Hackney Carriage or Private Hire Drivers Licence(first grant – 3 years)	£200.00
Disclosure Barring Service Enhanced Disclosure*	£40.00
Driver Suitability Test	£20.00
Hackney Carriage Drivers Knowledge Test/ Fee Retest	£65.00
Private Hire Knowledge Test	£40.00
Driver Vehicle Licensing Agency (DVLA) licence search fee*	£5.00
Replacement of drivers badge	£10.00 <i>each</i>
Replacement of neck lanyard	£3.00 <i>each</i>
Replacement of Licence	£10.50

* External fees subject to change

Please note the above charges include a non-returnable application deposit fee of £85

Full details of Council fees and charges are available [online here](#).

LICENSED DRIVER CODE OF GOOD CONDUCT

In order to promote its licensing objectives as regards hackney carriage and private hire licensing, North Somerset Council has adopted the following Code of Good Conduct, which should be read in conjunction with the other statutory and policy requirements produced by the Council.

1. Responsibility to the Trade

Licence holders shall endeavor to promote the image of the Hackney Carriage and Private Hire trade by:

- (a) complying with this Code of Good Conduct;
- (b) complying with all the Conditions of their Licence, Hackney Carriage Byelaws and the Councils Hackney Carriage and Private Hire Licensing Policy.
- (c) behaving in a civil, orderly, non-discriminatory and responsible manner at all times

2. Responsibility to Clients

Licence holders shall:

- (a) maintain their vehicles in a safe and satisfactory condition at all times.
- (b) keep their vehicles clean and suitable for hire to the public at all times.
- (c) attend punctually when undertaking pre-booked hiring.
- (d) assist, where necessary, passengers into and out of vehicles.
- (e) offer passengers reasonable assistance with luggage and other personal effects
- (f) when requested provide receipts to passengers

3. Responsibility to Residents

3.1 To avoid nuisance to residents when picking up or waiting for a fare, a driver shall:

- (a) not sound the vehicle's horn illegally.
- (b) keep the volume of radio/cassette player and VHF radios to a minimum.
- (c) switch off the engine if required to wait.
- (d) take whatever additional action is necessary to avoid disturbance to residents in the neighbourhood

3.2 At taxi ranks and other places where hackney carriages ply for hire by forming queues, drivers shall, in addition to the requirements above:

- (a) rank in an orderly manner and proceed along the rank in order and promptly.
- (b) remain in the vehicle.

3.3 At private hire offices a licence holder shall:

- (a) not undertake servicing or repairs of vehicles.
- (b) not allow their radio/cassette players or VHF radios to cause disturbance to residents of the neighbourhood.
- (c) take whatever additional action is necessary to avoid disturbance to residents of the neighbourhood which might arise from the conduct of their business

4. General

Drivers shall:

- (a) pay attention to personal hygiene and dress so as to present a professional image to the public.
- (b) wear the badge provided by the Council on his person at all times when in charge of a licensed vehicle, such badge to be worn in a position and manner as to be plainly visible.
- (c) be polite, helpful and fair to passengers.
- (d) unless otherwise directed by the hirer the driver shall proceed to the destination by the shortest possible route.
- (e) not without the express consent of the hirer drink or eat in the vehicle.
- (f) not without the express consent of the hirer play any radio or sound producing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle
- (g) drive with care and due consideration for other road users and pedestrians and in particular shall not use a handheld mobile phone whilst driving;
- (h) obey all Traffic Regulation Orders and directions at all time.
- (i) not to smoke in the vehicle or to allow fare paying passengers to smoke in the vehicle.
- (k) not to carry more passengers in a vehicle than it is licensed to carry.
- (l) not to consume alcohol immediately before or at any time whilst driving or being in charge of a hackney carriage or private hire vehicle.
- (m) not drive while having misused legal or illegal drugs.

PLEASE NOTE:

The Council shall take a very serious view of any driver being found to have had any alcohol or having misused any drugs whilst in charge of a licensed vehicle.

Issued by:

North Somerset Council
Licensing Team
Town Hall
Walliscote Grove Road
Weston-super-Mare
BS23 1UJ

Telephone: 01934 426 800

E-mail: licensing@n-somerset.gov.uk

APPENDIX 3

Hackney Carriage Byelaws (as amended and adopted by North Somerset Council)

Byelaws made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875 by Woodspring District Council with respect to hackney carriages in the district of Woodspring.

INTERPRETATION

1. Throughout these byelaws 'the Council' means the District Council of Woodspring and 'the District' means the District of Woodspring.

Provisions regulating the manner in which the number of each hackney carriage corresponding with the number of its licence, shall be displayed.

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

Provisions regulating how hackney carriages are to be furnished or provided.

3. The proprietor of a hackney carriage shall:
 - (a) provide sufficient means by which any person in the carriage may communicate with the driver;
 - (b) cause the roof or covering to be kept 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 the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
 - (g) provide means for securing luggage if the carriage is so constructed as to carry luggage;

- (h) provide an efficient fire extinguisher which shall at all times be carried in such a position as to be readily available for use;
 - (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver;
 - (j) provide and maintain an electric light in the interior of the carriage for the use of any person hiring or being driven therein.
 - (k) not to cause or permit any signs, advertising material or printed matter to be displayed on the exterior of the carriage without the approval of the Council or unless required by these byelaws.
4. The proprietor of a hackney carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements, that's is to say.
- a) the taximeter shall be fitted with a key, flag or other device the turning of which will bring the machinery of the taximeter into action and cause the word 'HIRED' to appear on the face of the taximeter;
 - b) such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter if not in action and that no fare is recorded on the face of the taximeter;
 - c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the fare scale approved by the Council and in force for the district;
 - d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
 - e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring;
 - f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking damaging or permanently displacing the seals or other appliances.

Provisions regulating the conduct of the proprietors and drivers of hackney carriages plying within the district in their several employments and determining whether such drivers shall wear any and what badges.

5. The driver of a hackney carriage provided with a taximeter shall:-
- a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;

- b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word 'HIRED' is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
 - c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the period beginning one hour before sunset and ending at sunrise and also at any other time requested by the hirer.
6. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided with the fittings thereof, or with the seals affixed thereto.
7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired;
- a) proceed with reasonable speed to one of the stands appointed by the Council;
 - 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 immediately behind the carriage or carriages on the stand and so as to face in the same direction;
 - d) from time to time when any other carriage immediately in front has driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
8. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.
9. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
10. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
11. The driver of a hackney carriage when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
12. 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.

13. If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.
14. The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage;
 - a) convey a reasonable quantity of luggage;
 - b) afford reasonable assistance in loading and unloading;
 - c) afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such a person.
15.
 - a) the proprietor of a hackney carriage shall cause a statement of the fares fixed by the Council to be exhibited inside the carriage, in clearly distinguishable letters and figures.
 - b) the proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is playing for hire or being used for hire.

Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriages and fixing the charges to be made in respect thereof.

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

Penalties

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

PRIVATE HIRE DRIVER'S LICENCE CONDITIONS OF LICENCE

The holder of this licence shall comply with the Provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976

1. Conduct of Driver

The driver shall comply with North Somerset Council's licensed driver's code of conduct.

2. Passengers

The driver shall not convey or permit to be conveyed in a private hire vehicle a greater number of persons than that prescribed in the licence for the vehicle

3. Lost Property

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

3.2 The proprietor or driver of a private hire vehicle shall, if any property is accidentally left therein by a person who may have been conveyed in the carriage be found by or handled by him:

3.2.1 Carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner to the office of the Council.

4. Written Receipts

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

5. Animals

The driver shall not convey in a private hire vehicle any animal belonging to or in the custody of himself or the proprietor or operator of the vehicle and he/she will ensure that any animal belonging to or in the custody of any passenger is conveyed in the rear of the vehicle. The driver shall accept guide, hearing and other prescribed assistance dogs at no extra charge.

6. Prompt Attendance

The driver of a private hire vehicle shall, if he is aware that the vehicle has been hired to be in attendance at an appointed time and place, punctually attend at that appointed time and place, unless delayed or prevented by sufficient cause.

7. Identification Badge

The licensee shall at all times when acting in accordance with this licence wear the official badge issued by the Council in such a position on his/her person as to be plainly and distinctly visible.

8. Deposit of Licence

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

9. Taximeter

If a private hire vehicle is fitted with a taximeter the driver shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare (unless credit is to be given).

10. Fare to be demanded

The driver shall not demand from any hirer of a private hire vehicle a fare in excess of any previously agreed for that hiring between the hirer and operator or, if the vehicle is fitted with a taximeter and there has not been a previous agreement as to the fare, the fare shown on the face of the taximeter shall be the agreed fare.

11. Change of Address

The driver shall notify the Council in writing of any change of address, including the name and address of any Company from whom bookings are taken, within 7 days of such a change taking place.

12. Convictions

That within 48 hours of having been cautioned or convicted of a criminal offence the licence holder shall notify the licensing authority of that event and if the licensing authority is not notified within the requisite period the licence may be automatically revoked.

13. Change of Medical Circumstances

If the licence holder experiences an adverse change of medical circumstances that will affect his/her ability to perform as a licensed driver, the licence holder shall forthwith notify the Licensing Authority. Failure to notify the Licensing Authority of an adverse change of medical circumstances will render this licence subject to suspension or revocation.

14. Assistance with Passengers Luggage

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

- (a) convey a reasonable quantity of luggage;
- (b) afford reasonable assistance in loading and unloading;

(c) afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such a person

15. Return of Badge

The driver shall upon the expiry (without further renewal), revocation or suspension of this licence forthwith return to the Council the driver's badge and licence document issued to him by the council when granting this licence.

16. Insurance

The driver shall produce for inspection, upon request by an authorised Council Officer, a current certificate of insurance or cover note.

17. Payment of Fees by Instalments

Where the payment of the licence fee is agreed to be paid on an instalment basis, the fee shall be paid on a yearly basis commencing from the date of the grant of the licence. The fees due shall be paid in three equal instalments. Failure to make prompt payments on the due dates will render in the licence being considered for revocation.

18. Revocation and Modification of Conditions

The Council reserves the right, (at its own behest and at any time), to revoke, vary, or modify any of these conditions and/or make such additional conditions as it may deem requisite, either generally or in respect of any particular licence or occasion.

19. Grievances

By virtue of Section 47 of the Local Government (Miscellaneous Provisions) Act 1976 any person who is aggrieved by a condition attached to a licence may appeal to a Magistrates' Court within 21 days of receipt of the licence.

CRIMINAL CONVICTIONS POLICY

General Principles

1. Legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is 'fit and proper' to hold a taxi or private hire vehicle licence.

The Licensing Authority will consider each case on its own merits, and applicants/licenseses are entitled to a fair and impartial consideration of their application.

Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. This places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.

2. In relation to cautions, the Licensing Authority shall have regard to the type and age of the offence and the age of the applicant when the offence occurred, when considering their relevance to an application. Cautions given more than 5 years before the date of application shall be treated as irrelevant.
3. In relation to previous convictions, the Licensing Authority shall have regard to the following:
 1. Whether the convictions are spent or unspent;
 2. The type and relevancy of the offences;
 3. The age of the offences;
 4. The apparent seriousness, as gauged by the penalty.
4. The Licensing Manager or Group Service Manager may deal directly with less serious first offences without referring the matter to the relevant Licensing sub-committee. They may choose to take no action or may issue warnings as to future conduct in accordance with this Policy.
5. Applicants and current licensees shall be referred to the Licensing Sub--Committee where one or more of the following apply:
 1. Any term of imprisonment or custody;
 2. Any conviction for a sexual offence;
 3. Any conviction for violence or dishonesty which is of a serious nature;
 4. Any serious motoring offence, such as dangerous driving, driving whilst disqualified, or more than one conviction for drink driving;
6. Each case shall be decided on its own merits.
7. A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but should be expected to remain free of conviction for a period of time according to the circumstances before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration should be the protection of the public.

8. The following examples afford a general guide on the action to be taken where convictions are admitted.

Traffic offences

9. Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

Minor motoring offences

10. Convictions for minor offences e.g. obstruction, waiting in a restricted street, speeding etc., should not prevent a person from proceeding with an application.

If sufficient points have been accrued to require a period of disqualification of the applicants DVLA driving licence then a Hackney Carriage/Private Hire drivers licence will not be granted until five years have elapsed since the restoration of the DVLA driving licence. Offences in the five years since restoration will then be taken into consideration.

Holders of council issued drivers licences convicted during the period of licence of such offences may be warned as to future conduct, and any disqualification from driving will lead to an automatic revocation of any Hackney Carriage/ Private Hire drivers licence issued by the council.

No applications will be entertained from anyone who has previously had a licence revoked by North Somerset Council or any other Local Authority.

Major motoring offences

11. An isolated conviction for reckless driving or driving without due care and attention etc. may not prevent someone from applying to hold a driver licence with the Authority, provided more than five years have elapsed since the offence.

More than one conviction for this type of offence within the last 5 years should merit refusal and no further application should be considered until a period of 5 years free from conviction has elapsed.

Similarly, any conviction during the period of a council issued licence will lead to a formal review of the licence and repeated offences shall merit consideration of the revocation of that licence.

No applications will be entertained from anyone who has previously had a licence revoked by North Somerset Council or any other Local Authority.

Using a hand-held device whilst driving

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

Drink driving/driving under the influence of drugs

With a motor vehicle

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

In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

A licensed driver found guilty of driving whilst under the influence of alcohol or drugs shall have their council issued drivers licence revoked.

No applications will be entertained from anyone who has previously had a licence revoked by North Somerset Council or any other Local Authority.

Not in motor vehicle

14. An isolated conviction for drunkenness may not debar an applicant from gaining a licence. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination.

In some cases, a warning would be sufficient. A conviction of this type of offence during the period of a council issued licence could warrant a warning as to future conduct, with subsequent convictions possibly leading to suspension and/or revocation of any licence held.

Drugs

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

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.

Sexual offences

16. Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted. In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.

A licence holder found guilty of sexual offences during the period of the council issued licence shall have their licence revoked.

No applications will be entertained from anyone who has previously had a licence revoked by North Somerset Council or any other Local Authority.

Violence

17. Crimes resulting in death

Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

18. Offences involving violence against the person

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

19. Possession of a weapon

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed. A licensed driver found guilty of violence related offences shall have their council issued drivers licence formally reviewed.

No applications will be entertained from anyone who has previously had a licence revoked by North Somerset Council or any other Local Authority.

20. Dishonesty

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

Any existing driver convicted of offences of dishonesty shall have their licence formally reviewed.

No applications will be entertained from anyone who has previously had a licence revoked by North Somerset Council or any other Local Authority.

21. Insurance Offences

An isolated incident in the past will not necessarily debar an applicant provided he/she 5 years have elapsed since the completion of any sentence imposed. A driver found guilty of driving passengers for Hire and reward without the appropriate insurance will have their licence formally reviewed. No applications will be entertained from anyone who has previously had a licence revoked by North Somerset Council or any other Local Authority.

22. Exploitation

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

23. Discrimination

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