



HACKNEY CARRIAGE ('TAXI') & PRIVATE HIRE POLICY

DRAFT FOR CONSULTATION – JANUARY 2023

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Foreword (to be developed during consultation)

The North East region is going through a period of change, with Gateshead at its heart.

Many of the people who live in Gateshead work elsewhere in neighbouring cities and Boroughs; and vice versa.

Transport is a vital part of keeping our region moving.

Bringing in national standards for taxis has helped to achieve much greater consistency in our approach.

We recognise the important role taxis have in helping to improve our air quality (and the Council has, alongside Newcastle City Council, introduced a Clean Air Zone); and the vital role drivers have in identifying exploitation of vulnerable children and adults and enabling the Council and its partners to help those in need.

We recognise with the changing future of Gateshead our hackney and taxi drivers will have an important role to play as ambassadors for Gateshead and in helping to support our growing visitor economy.

1.0 Introduction

The hackney carriage and private hire trade have a specific role to play in an integrated transport system. They are able to provide services in situations where public transport is either not available, for example in rural areas or outside normal hours of operation, such as in the evenings or on Sundays, or to those with mobility difficulties.

Gateshead Council recognises the increasingly important role the taxi and private hire trade plays in improving accessibility to all social groups; and the essential support it provides for home to school transport in the region.

In setting out its policy, Gateshead Council seeks to promote the following objectives

- (1) Public safety
- (2) Preventing crime and disorder
- (3) Safeguarding children and vulnerable adults
- (4) Promoting health and wellbeing; by enabling access to an efficient, effective and inclusive transport service
- (5) Maintaining and promoting a professional and respected hackney carriage and private hire trade
- (6) Protecting the environment and helping to tackle climate change; and
- (7) Promoting the role of the hackney carriage and private hire trade in the economic development of the Borough and the region.

This document sets out how Gateshead Council will exercise its powers when making decisions about new licence applications, renewal applications and current licences.

The Council's overarching objective in its approach to hackney carriage and private hire licensing is to protect the public. The onus is on applicants and licensees to satisfy the Council that they are (and remain) 'fit and proper' to hold a licence – or to put it in plain English, 'safe and suitable'. Applicants will not be given 'the benefit of the doubt'. If the officer or Councillors are unsure as to whether someone is safe and suitable to hold a licence, the application should be refused or the licence revoked.

1.1 Area and Impact

(geography, demographics, vehicle journeys, impact on air quality – to be developed during consultation)

1.2 Policy Context

This policy has been considered alongside the following strategies and policies –

- Council's Corporate Plan 2023 – 2028 Making Gateshead Thrive
- Gateshead Health and Wellbeing Strategy
- Gateshead Economic Development Strategy
- Community Strategy Partnership Plan 2020-2023
- Climate Change Strategy 2022
- North East Transport Plan 2021-35
- Department for Transport's Statutory Taxi and Private Hire Vehicle Standards (Revised 25 November 2022)

- Department for Transport Taxi and private hire vehicle licensing: best practice (revised 17 November 2023)

This policy recognises that the above strategies may be subject to change and this policy will consider any changes.

1.3 Working in partnership

Gateshead Council recognises the vital role that partnership working plays in achieving our shared objectives; and to this end we work closely with –

- Northumbria Police
- HMRC
- Department for Transport
- UK Border Agency / Home Office (Immigration)
- DVLA
- DVSA
- DWP
- DBS
- Neighbouring Transport and Licensing Authorities (including through the North East Strategic Licensing Group)
- Local Government Association
- National Anti-Fraud Network
- Institute of Licensing; and
- Lawyers in Local Government

1.4 Equality

Gateshead Council is committed to promoting equal treatment for all and will vigorously comply and promote all legislation that governs discrimination for race, age, sex, disability, religious beliefs, and sexual orientation. The Council will make reasonable adjustments where necessary to assist service users who may have difficulties due to their disability or language.

Drivers of licensed vehicles, however, must be able to:

- Communicate with their passengers
- Be able to understand instructions and requests
- Be able to respond appropriately

It is therefore essential that drivers have a good understanding and command of the English language which is the predominant language used in Gateshead and the North East. Drivers of license vehicles also have a responsibility to comply with the relevant equality and diversity legislation.

Gateshead Council recognises its public sector equality duty as set out in section 149 of the Equality Act 2010 and will have regard to this duty when exercising its licensing functions stated in the policy. The Local Authority maintains a list of wheelchair accessible vehicles (or designated vehicles) The Equality Act 2010 requires the drivers of such designated vehicles to carry passengers in wheelchairs, to provide reasonable assistance to passengers and the Act prohibits any extra charges. It is a criminal offence for drivers of designated vehicles to refuse to carry, not provide assistance or charge extra unless the driver has been issued with an exemption certificate as set out in the Act.

All drivers (both taxi and private hire) are under a legal duty to carry any guide, hearing or assistance dogs in their vehicles and there cannot be additional charges. Any refusal to carry or additional charge could result in a £1,000 fine. Drivers may be granted an exemption only on medical grounds if an application is supported and evidenced by your own G.P. Drivers must be issued with a certificate before they are exempted from this responsibility. The certificate must be displayed at all times.

1.5 Policy consultation

Gateshead Council's policy was introduced in 2007 and has been regularly updated since then. This (*draft*) policy has been updated to take account of the Department for Transport's National Standards and Best Practice Guidance.

The following organisations, groups and individuals (will be) consulted on the amendments to this policy -

- Current licensees
- Service users
- Northumbria Police
- Local businesses/ chamber of commerce
- Night time economy groups
- Local transport providers
- Inclusivity groups
- Councillors
- Council Services including Planning, Children's Services, Adult Services, Climate Change & Transport
- Neighbouring authorities

1.6 Implementation

The policy will take effect on (*date TBC*) and will be subject to review at least every 5 years.

Minor changes to the policy may be made under delegated powers in accordance with the Council's Constitution. Any such changes shall have immediate effect and an updated version of the policy will be published on the Council's website at www.gateshead.gov.uk.

1.7 Eligibility

Age and experience

Applicants must be at least 21 years of age and have held a full UK or European Economic Area (EEA) and Vehicle Licence Agency (DVLA) driving licence or other European Union (EU) licence for at least 12 months.

Please note however, upon application a DVLA driving licence must be held even if the relevant qualifying experience has been obtained under an EEA or other EU licence.

Right to Live and Work in the UK

Under the Immigration Act 2016, all new individual applicants for private hire operators and private hire and hackney carriage driver licences are required prove they have the right to work in the UK before being considered for a licence; and are required to produce documentation when submitting their application. A list of suitable documentation may be obtained from the Council's Licensing Service. No licence will be granted or renewed until the applicant is able to satisfy this requirement. If leave to remain in the country is less than 3 years a shorter licence will be issued.

Disclosure and Barring Service (DBS)

All new applicants for driver licences must have an enhanced criminal records check through the Disclosure and Barring Service (DBS) before a licence will be issued.

The Council uses an online DBS application system which must be completed before an application is submitted to the Licensing Service.

All drivers are required to subscribe to the DBS Update Service. This allows the Licensing Service to carry out an online status check to ensure that the applicant's DBS certificate is current and valid.

If a status check indicates that an applicant has failed to register with the Update Service or that your subscription has lapsed, a new DBS application will be required at the applicant's expense. Information is available at –

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

Applicants who have spent time abroad

Applicants who are new residents in the UK must still apply for the enhanced disclosure regardless of the time they have spent in the UK. If an applicant has been out of the country for more than 3 months an enhanced disclosure will not in itself satisfy the fit and proper test. In cases like these an applicant would need a certificate of good conduct or equivalent document from the country they have been resident.

The licensing authority is entitled to approach the relevant embassy to verify documents. Costs involved in any verification can be passed on to the applicant.

Medical

All new applicants and licensed drivers are required to pass a medical to Group II DVLA Medical Standards of Fitness.

Medicals are required upon application and then at the age of 45, 50, 55, 60 and 65. Upon reaching 65 a medical is required every year.

A medical must be carried out by your own GP or a GP who has access to your medical records (including digital).

National Register of Taxi Licence Refusals and Revocations (NAFN)

Gateshead Council has signed up to the National Register of Taxi Licence Refusals and Revocations (NR3S). The register will be checked on receipt of all driver applications. Details of all refusals, suspensions and revocations will be added to the register.

Exploitation of children and vulnerable adults

Licensed drivers are in a position of trust and can play an important role in safeguarding children and vulnerable adults. It is compulsory that drivers undergo awareness training that assists in the prevention of exploitation. Training is a mandatory part of the application process and must be completed before a licence is granted. Refresher training will also be provided from time to time, and must be completed before a licence is renewed.

Disability Awareness

Drivers should be trained in disability awareness and/or have their knowledge and skills assessed. Training must be completed before a licence is granted and from time to time as required by the licensing authority

HMRC Tax Conditionality

No decision on a grant or renewal application can be made without the applicant completing a tax check and providing the authority with the relevant code so that the Council can confirm that you are registered for tax, if necessary.

Section 2

PROCEDURE

2.1 Application Process - Drivers

Drivers must satisfy the authority that they are fit and proper people to be licensed drivers. The licensing authority will consider all applications for drivers' licences on their own individual merits.

Before the Licensing Service can determine suitability the applicant must satisfy the Council regarding the following points:

- Application form
- Application fee and any associated fees
- DVLA Driving Licence and DVLA check code
- Group II - Medical standards of fitness to drive and additional medical information (if required)
- Satisfactory completion of 'knowledge'/locality test
- Satisfactory completion of exploitation awareness training
- DBS enhanced disclosure certificate and additional information where applicants have lived abroad
- HMRC tax conditionality check code
- Evidence of right to live and work in UK
- Additional information (if required)

Applications that do not include all of the relevant documentation and information as above will not be complete and as such cannot be granted - or indeed refused.

Gateshead Council aims to ensure that hackney carriage and private hire services delivered within the Borough are of the highest standards. The application procedure is designed to ensure these standards are maintained and continually monitored for improvement. The Council may decide that further information is necessary to consider an application. If this is the case the applicant will be asked to provide this information in the appropriate format.

2.2 Disclosure and Barring Service (DBS)

All new applicants must have an enhanced criminal records check through the Disclosure and Barring Service (DBS) before a licence will be issued.

The Council uses an online DBS application system which must be completed before an application is submitted to the Licensing Service.

All drivers are required to subscribe to the DBS Update Service. This allows Licensing Officers to carry out an online status check to ensure an applicant's DBS certificate is current and valid.

If a status check indicates that an applicant has failed to register with the Update Service or that their subscription has lapsed, a new DBS application will be required at the applicant's expense.

Applicants and licence holders are required to submit an online Enhanced DBS check and must register the check with the online service within 28 days of issue of the certificate.

2.3 Licence Renewal

If a current licensee wishes to renew their licence upon its expiry they must submit the following –

- Application form
- Application fee and any additional fees
- Any medical certificate that may be required

On receipt, the Council shall carry out a number of checks including with the DBS, DVLA and NAFN which can take a number of weeks to be returned.

It is the responsibility of the applicant to ensure that their renewal is submitted in sufficient time for the process to be completed prior to the expiry of their current licence. Failure to do so may result in a period where the current licence will have expired and the renewal has not yet been issued – during which time it would be an offence to provide licensed services and you may invalidate your insurance.

Applicants (this includes those renewing a licence) who have spent more than 3 months outside of the UK since the issue of their existing licence (if applicable) will be required to produce a certificate of good conduct authenticated and translated by the relevant embassy before any application can be made to this licensing authority.

2.4 Policy for determining the relevance of criminal convictions

Licences for drivers of hackney carriages and private hire vehicles will only be granted where the Council is satisfied that the applicant is a ‘fit and proper’ person to hold such a licence; and their licence will be suspended or revoked if the Council is no longer satisfied that they remain ‘fit and proper’. The Council has adopted a policy which provides guidance relating to the relevance of convictions, to determine if an applicant is safe and suitable.

Hackney carriage and private hire driving are Excepted Occupations and are therefore exempt from the Rehabilitation of Offenders Act 1974. Applicants must declare all previous convictions (traffic and criminal) including convictions classed as spent under the Rehabilitation of Offenders Act 1974 – other than those that are deemed to be ‘protected’. Applicants who are unclear whether their convictions are ‘protected’ should seek independent legal advice.

Applicants are also required to declare any formal police cautions (which are not ‘protected’ as above) and all endorsable fixed penalty tickets.

Applicants must also provide details of any pending investigation or prosecution they are currently the subject of.

The Council can and does check with Northumbria Police, the DBS and the DVLA for the existence and the content of any criminal record or motoring offences.

Any applicant who is refused a driver's licence on the grounds that they are not a 'fit and proper' person has a right of appeal to the Magistrates Court. These guidelines will also be considered when dealing with an application for the renewal of an existing driver's licence when considering whether to renew, suspend or revoke such a licence.

2.5 'Knowledge'/locality test

In determining suitability an applicant must undertake a knowledge/locality test. This involves a series of questions in relation to the Gateshead area as well as questions on licence conditions, byelaws, legislation, and relevant highway code questions. If a licensee leaves the trade but returns within a 2-year period they will not be required to re-sit the test. Details about the knowledge test can be obtained from the Licensing Service upon request.

The test also challenges an applicant's English language proficiency.

Licensees are expected to be able to hold conversations, convey safety information and understand what is being said by passengers to identify indicators of concern, for example safeguarding issues.

Whilst basic English language skills are essential for routine job-related functions such as understanding directions and discussing fares, the National Standards expect language skill levels to a higher level.

Licensees are expected to be able to understand the local accent and dialect; and to familiarise themselves with place names used locally which may differ from official place names used on GPS systems.

2.6 Medical fitness

All new applicants and licensed drivers are required to pass a medical to Group II DVLA Medical Standards of Fitness.

Medicals are required upon application and then at the age of 45, 50, 55, 60 and 65. Upon reaching 65 a medical is required every year.

A medical must be carried out by the applicant's own GP or a GP who has access to their medical records (including digitally).

All licence holders must inform the licensing service of any illness or condition that affects their ability to drive or carry out the duties and responsibilities of a licensed driver within 7 days of the start of such a condition/illness.

All costs associated with obtaining the relevant medical certificate or letters are to be met by the applicant.

2.7 Duration of licence

The Council issues licences for a maximum of 3 years. The Council has the discretion to issue licences for a shorter duration if it considers this to be necessary.

2.8 Conditions

The Council has no powers to attach conditions to a hackney carriage driver's licence, however does have a code of conduct which it expects all licensees to abide by. Byelaws are used to control hackney carriages and their drivers. The existing hackney carriage byelaws are set out in this handbook and will be reviewed from time to time. The Council attaches standard conditions to all private hire driver licences and may attach such other conditions as considered appropriate in the individual circumstances.

2.9 Medical exemptions

Licensed drivers are under a legal duty to carry guide, hearing and other prescribed assistance dogs in their vehicles without additional charge. Drivers who have a medical condition which is aggravated by exposure to dogs may apply to the council for exemption from the duty on medical grounds.

If an application for an exemption is successful, the applicant will be issued with a certificate and notice. The notice of exemption must be exhibited in the vehicle in a prominent position. The Council cannot exempt a driver from carrying guide and assistance dogs for any other reason than medical grounds.

2.10 Dress code

The Council encourages a smart dress code in order to portray a positive image of the Borough of Gateshead to customers. A dress code enhances a professional image of drivers licensed by the Council. Many Operators have their own dress code for drivers in the form of dress trousers or skirts, polo shorts, jumpers, jackets and dress shoes. This practice is positively encouraged by the Council.

2.11 Driver qualification

The Council may introduce additional training for new and existing drivers to improve the standards of customer care offered to the travelling public and to enhance the knowledge, skills and professionalism of drivers.

2.12 Smoking in a licensed vehicle

Drivers need to be aware that it is a criminal offence to smoke tobacco in a licensed vehicle whether or not a driver is on duty. Council Officers will issue drivers with a fixed penalty fine if they are found to be smoking in a licensed hackney carriage or private hire vehicle.

Drivers must also not 'vape' in or around their vehicle or permit passengers to 'vape'.

2.13 Exploitation awareness training

Exploitation awareness training is mandatory and must be completed before a driver or operator licence is granted.

2.14 Right to Live and Work in the UK

All new applicants must prove they have the right to work in the UK and are required to produce documentation when submitting their application.

Section 3

CODE OF PRACTICE FOR HACKNEY CARRIAGE AND PRIVATE HIRE LICENCE HOLDERS

Foreword

The Council considers that holders of hackney carriage and private hire licences are responsible for the safety and welfare of their clients as well as the public in general and are expected to act responsibly at all times.

Drivers of licensed vehicles are considered to be vocational (professional) drivers. In common with other vocational drivers, they should adopt passive driving technique and set an example to other road users.

This code of practice outlines the standards of conduct the Council expects of licensees and should be read in conjunction with the conditions of licence and hackney carriage byelaws.

If the code is followed by all licensees, then this should enhance the image of the trade by promoting it's professional standing, improving service to the public and reducing the potential for complaint.

3.1 Responsibility to the trade

Licensees will endeavour to promote the image of the Hackney Carriage and Private Hire trade by:

- (a) complying with this code of practice
- (b) complying with all conditions of licence and byelaws
- (c) behaving in a civil, orderly, and responsible manner at all times

3.2 Responsibility to passengers and users

Licensees will:

- (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 bookings
- (d) reasonably assist where necessary passengers into and out of vehicles
- (e) offer passengers reasonable assistance with luggage

3.3 Responsibility to residents

To avoid nuisance to residents Licensees will:

- (a) when attending a pre booked hiring or standing or waiting in residential areas:
 - a. not sound the vehicle's horn
 - b. keep the volume of radios or other electronic equipment to a minimum
 - c. switch off the engine if required to wait
 - d. take whatever additional action as is necessary to avoid disturbance to residents of the neighbourhood

- (b) at places where taxis ply for hire by forming queues Licensees will:
 - a. rank in an orderly manner and proceed along the rank in an orderly fashion
 - b. remain in the vehicle
- (c) at private hire offices licensees will:
 - a. not undertake servicing or repairs to vehicles
 - b. not allow their radio or electronic equipment to cause disturbance to residents of the neighbourhood
 - c. take whatever additional action as is necessary to avoid disturbance to residents of the neighbourhood which might arise from the conduct of their business

3.4 General

Drivers will:

- (a) pay attention to personal hygiene and dress so as to present a professional image to the public
- (b) be polite, helpful and fair to passengers
- (c) drive with care and due consideration for other road users and pedestrians
- (d) obey all traffic regulation orders and directions at all times; and
- (e) treat all Council officers and Councillors with respect at all times.

Section 4

POLICY ON THE RELEVANCE OF CRIMINAL CONVICTIONS AND CONDUCT

4.1 General

1. This policy shall apply to applicants for and holders of –
 - hackney carriage vehicle licences
 - hackney carriage driver licences
 - private hire operator licences
 - private hire vehicle licences; and
 - private hire driver licences.
2. The Local Government (Miscellaneous Provisions) Act 1976 imposes a 'fit and proper requirement for private hire operators and for hackney carriage and private hire drivers. There is no statutory 'fit and proper' test for hackney carriage and private hire vehicle proprietors, however it is the policy of this Council to have regard to the conduct of vehicle proprietors and where it impacts or could impact on the trust that the travelling public have in the licensed trade, then in those circumstances the Council can and will take it into consideration when deciding –
 - a. whether or not to issue or renew a vehicle licence; and
 - b. whether or not to revoke a vehicle licence.
3. Each case will be considered on its own merits and applicants / licensees 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.
4. Cautions will be treated as convictions for the purposes of considering an applicant's / licensee's conduct under this policy.
5. Matters which do not result in criminal conviction may also be taken into consideration where they indicate concern as to the individual's conduct or behaviour, including where they result in fixed penalty notices, community protection notices, civil injunctions, restraining orders, etc.
6. Applicants should be aware that the making of false statements and provision of falsified documents is taken particularly seriously and will result in an application being refused or licence being revoked; and is likely to also result in prosecution of that individual.
7. All refusals, suspensions and revocations will be recorded on the National Register of Taxi and Private Hire Refusals Suspensions Database (NR3S). All convictions for prosecutions brought by the Council will be recorded on the Police National Computer (PNC) and may be disclosed as part of future DBS checks.

8. Where an existing licensee's conduct during the period that they hold a licence is such that, were they to be applying for a licence that application would generally be refused, they should expect their licence to be suspended or revoked. Such suspension or revocation may be with immediate effect if this is considered necessary for public safety.
9. Passenger safety is the priority, recognising that past offenders should be able to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.

4.2 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.

4.3 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.

4.4 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 ten years have elapsed since the completion of any sentence imposed.

4.5 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.

4.6 Sexual offences

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 Council will not grant a licence to any applicant who is currently on any Sex Offenders Register or on any barred list.

4.7 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.

4.8 Drugs

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 ten 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.

4.9 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.

4.10 Motoring convictions

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.

The Council may consider it appropriate to refer the applicant to a professional driving assessor appointed by the Council at the expense of the individual, in order to provide additional evidence of concerns over driving related issues.

The Council will take into account the findings of the independent assessment as one of the factors to be considered in relation to the determination of the application. Completion of the assessment does not guarantee the grant of a licence. In addition, it should be noted that where an applicant is invited to undertake an independent assessment and declines to do so the Council will draw an adverse inference and attach whatever weight they deem appropriate to that refusal.

Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a

hackney carriage or private hire driver licence providing the Council considers that the licensee remains a fit and proper person to retain the licence.

Driving assessment as above may be offered to an existing licensee where the Council consider that the assessment will assist in the consideration of whether suspension / revocation of the licence is necessary for public safety.

4.11 Drink driving / driving under the influence of drugs

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, whichever is the later. 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.

4.12 Using a hand-held device while driving

Where an applicant has a conviction for hand-held mobile telephone or hand-held device while 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.

4.13 Public order and anti-social behaviour

Where an applicant has a conviction for any public order or anti-social behaviour offence which is not covered by the categories set out above, a licence will not be granted until at least three years have elapsed since the conviction or completion of any sentence imposed.

4.14 Licensing offences and non-compliance with conditions

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

The conditions attached to licences are important safeguards to ensure that the objectives of this policy are upheld and promoted. Where a licensee has failed to comply with the conditions of their licence, this will call into question whether they remain fit and proper to continue holding that licence and they should expect to be called before the Council's Regulatory Committee who may suspend or revoke the licence. Where necessary for public safety, a licence may be suspended or revoked with immediate effect under powers delegated to officers.

Section 5

LICENSING POLICY HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

5.1 Legal Framework

Before issuing a licence in respect of a hackney carriage or private hire vehicle the Council must be satisfied that the vehicle is suitable in size, type and design, in a suitable mechanical condition, safe and comfortable and that there is in force a suitable policy of insurance.

Thereafter the Council and its Officers in certain instances are empowered to suspend, revoke or refuse to renew licences in instances where the vehicle is considered to be unfit for use or for any other reasonable cause.

5.2 General

The Council cannot limit the number of private hire vehicle licences it issues.

The Council currently sets a limit of a maximum of 85 hackney carriage licences that can be issued for 'saloon' type vehicles. All other hackney carriage vehicles licensed by the Council are required to be wheelchair accessible.

Comprehensive conditions are attached to hackney carriage and private hire vehicles licences covering equipment, livery, advertising and the responsibility of Licensees. You are recommended to read these conditions before applying for a licence. You are also recommended to read the "CODE OF PRACTICE FOR HACKNEY CARRIAGE AND PRIVATE HIRE LICENCE HOLDERS".

5.3 Hackney Carriage Licences

The Council currently does not limit the number of hackney carriage vehicle licences it issues.

However, currently the Council will only issue hackney carriage licences for a maximum of 85 'saloon'-type vehicles. All other hackney carriages must be wheelchair accessible.

The Council will only agree to the transfer of a hackney carriage vehicle licence where the Licensee has held the Licence for a minimum period of 12 months AND :

- a. the Licensee is obliged to leave the trade on medical grounds; or
- b. the death of the Licensee when the next of kin will be allowed to dispose of the Licence.

5.4 Hackney Carriage and Private Hire Licences Vehicle Type

Most manufacturer standard 4 door saloon vehicle types are acceptable for licensing as either hackney carriage or private hire vehicles.

2 or 3 door vehicles will not be licensed.

Vehicles with less than 4 wheels will not be licensed.

Vehicles commonly referred to as London Type Cabs will not be accepted for licensing as private hire vehicles.

Other vehicles such as those commonly referred to as people carriers, multi-purpose vehicles, mini-buses and adapted vans may be accepted for licensing provided they comply the appropriate type approval. Vehicles must comply with the EC M1 type approval for passenger carrying vehicles. The definition of category M1 type approval is any motor vehicle with at least four wheels designed and constructed for the carriage of passengers.

Originally-classified M1 compliant vehicles that have been modified may be considered suitable if they have relevant Individual Type Approval or Single Type Approval. Vehicles with EC N type approval will not be licensed.

5.5 Colour policy

All hackney carriage vehicles licensed by the Council must be (colour to be decided) in exterior colour.

No private hire vehicle licensed by the Council shall be (colour to be decided) in exterior colour.

The colour of the vehicle must not be altered during the period that the vehicle is licensed.

5.6 Access / egress

All passengers must have ready access to an exit door from their passenger seat.

5.7 Seats

Every passenger seat in the vehicle must meet the following minimum dimensions:

- Individual seat width – 41cm (16")
- Bench seat width (i.e. rear seat of a saloon vehicle) – 123cm (48")

5.8 Licence Duration

The options available to applicants are:

Licence duration	Fee payable	Test frequency
Annual (vehicle under 1 year old)	Annually	Annual for first 2 years
Annual (all other vehicles)	Annually	Every six months
Six months	Six monthly	Every six months

Note: There are cost savings for those paying fees annually.

5.9 Vehicle Inspection and Testing

All vehicles are required to be inspected and tested at the Council's Testing Station prior to the issue or renewal of a licence and thereafter in accordance with the frequency shown in the table above. The Authority may choose to inspect vehicles that have been identified as poorly maintained up to a maximum of 3 times per year at the expense of the licensee.

5.10 Enforcement

The Council considers that Licensees are in a position of considerable trust being responsible for the safety and welfare of the public and in particular passengers who travel in licensed vehicles. Accordingly, Licensees are expected to maintain their vehicles to a high standard at all times and not just when presenting the vehicle for inspection and testing. They are also expected to act responsibly at all times and to respond promptly to proper requests made by the Council and its Officers.

5.11 Condition of Vehicles

The action taken by the Council where Licensees fail to properly maintain a licensed vehicle will be dependent upon the condition of the vehicle. In general, a first instance of failing to properly maintain is likely to result in a warning that a further occurrence within 12 months is likely to result in suspension or revocation of the Licence.

Where a vehicle is found to be in a serious state of disrepair the Licence may be suspended or revoked without warning.

5.12 Insurance write-offs

Insurance write-offs will not be licensed.

5.13 Emissions

No vehicle entering the trade for the first time will be granted a licence unless it is –

- Euro 6 standard or better for diesel
- Euro 5 standard or better for petrol; or
- A fully electric and zero emission at source vehicle.

5.14 Age policy

No vehicle shall be licensed for the first time if it is more than four years old from the date of manufacture.

Only vehicles that are fully electric / zero emissions at source shall remain licensed if they are more than eight years old from the date of manufacture.

No vehicle shall remain licensed if it is more than ten years old from the date of manufacture.

5.15 CCTV in Licensed Vehicles

Where CCTV and dashcam recording is in place in a licensed vehicle the licence holder must register their use with the Office of the Information Commissioner (ICO) in accordance with all the requirements of the Data Protection Act. The system must be in full working order and maintained to the manufacturers standards.

Summary of CCTV Requirements

1. The vehicle proprietor must be registered with the Information Commissioner's Office and be able to evidence continuous registration throughout the lifetime of the licence.
2. The system must not have permanent audio recording.
3. Clearly visible and readable signage advising of the system and the Data Controller's contact details, including ICO registration number, must be displayed in the vehicle.
4. Data must be stored securely and only shared when lawful. A vehicle licence may be refused, suspended or revoked where the CCTV system does not comply with this policy, or on any other reasonable grounds.

5.16 Tinted Glass Policy

The vehicle must be fitted with glass which is in accordance with current Vehicle Construction and Use Regulations. The rear of the vehicle must be fitted with at least one window (or one window per rear door fitted). Factory fitted windows with a tint will be permitted, subject to approval from the Council's vehicle tester at the time of vehicle test.

5.17 Executive Hire

The Local Government (Miscellaneous Provisions) Act 1976 provides that a Licensing Authority may grant to a licensed private hire proprietor an exemption from the requirement to display upon the licensed vehicle the private hire vehicle licence identification plate issued by the council.

When an exemption is given to a licensed private hire proprietor, the driver of the vehicle does not need to wear the private hire driver's identification badge issued by the Council.

The Council will grant the exemption to licensed private hire proprietors engaged in the provision of an executive/chauffeur/limousine/private ambulance or other service, provided that the Licensing Manager is satisfied in each case that the specification of the vehicle and the overall level of service provision constitute such a service.

Upon written request by the licence holder the Licensing Manager can issue a formal notification of exemption to the proprietor.

The exemption shall not be granted for a period of more than one year and shall expire upon the expiry of the private hire vehicle licence or lesser period as specified.

The private hire operator, proprietor and driver operating under the provisions of an executive/chauffeur/limousine/private ambulance 'Exemption Notice', remain subject

to the requirements of the Local Government (Miscellaneous Provisions) Act 1976 regarding the respective licences and the standard conditions attached in each case.

Should it be the case that the Council's standard private hire operator, proprietor or driver's conditions conflict with the Council's standard 'Exemption Notice' conditions, then for the period that the said notice remains in force, the standard 'Exemption Notice' conditions shall be deemed to take precedence.

The 'Exemption Notice' is granted subject to the licensed private hire vehicle being operated in accordance with standard conditions. Failure to comply with these conditions may result in the withdrawal of the exemption notice.

Section 6

Private Hire Operators Licensing Policy

Although Operators generally do not come into direct contact with the public, public protection is still the main objective when considering private hire operator's licences. Operators are still entrusted to ensure that the vehicles and drivers they use to carry passengers are appropriately licenced.

The Council will take in to account the effect of any convictions or cautions which are not considered to be spent under the provisions of the Rehabilitation of Offenders Act. Private hire operators are not identified as an exempt profession under that Act and therefore the provisions of that Act relating to convictions becoming spent after a certain amount of time will apply in full.

The Council will request a basic disclosure with any application for an Operator's licence. This basic disclosure will reveal unspent convictions which can be considered when applying the fit and proper test. Unspent conviction relating to dishonesty, violence or safeguarding will be viewed with particular seriousness.

If an Operator's licence is applied for in the name of a business, company or partnership then the Council will require a basic DBS check from every director or partner.

In many cases private hire operators are also licensed drivers who have been subject to an enhanced DBS check. Where this is the case it will not be necessary to obtain a basic DBS check.

Licences can have a duration of up to 5 years.

Upon grant of an operator's licence the Council will specify the address or addresses from which the operator may operate.

An operator premises address must be in the Borough of Gateshead. Operators must seek approval from the Council if they change their premises address.

Section 7

HACKNEY CARRIAGE BYELAWS

BOROUGH OF GATESHEAD

BYELAWS

MADE BY

**The Borough Council of Gateshead, with respect to
hackney carriages**

BOROUGH OF GATESHEAD

BYELAWS

**made under Section 68 of the Town Police Clauses Act, 1847,
and Section 171 of the Public Health Act, 1875, by the
Borough Council of Gateshead, with respect to
hackney carriages in the Borough of Gateshead.**

INTERPRETATION

1. Throughout these byelaws "the Council" means the Borough Council of Gateshead, and "the district" means the Borough of Gateshead.

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 to be concealed from public view while the carriage is standing or plying for hire;
 - (ii) not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material 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;

- (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 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.

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

- (a) the taximeter shall be fitted with a key, flag, or other device the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;
- (b) such key, flag, or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the 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 byelaw in that behalf;
- (d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
- (e) the taximeter shall be 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 taxi-
-

- (b) as soon as the carriage is hired by distance, and before beginning the journey, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
- (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1972, and also at any other time at the request of the hirer.

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

7. 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 byelaw 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 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 is 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,

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 person.

Provisions fixing the stands of hackney carriages

15. Each of the several places specified in the following list shall be a stand for such number of hackney carriages as is specified in the list:—

	<i>Vehicles</i>
(a) Front Street, Winlaton, approx. 34m. East of junction with Church Street (South side)	2
(b) Blaydon Bus Station	2
(c) Back Row Whickham, approx. 10m. from channel line of Front Street (North Side)	2
(d) Armstrong Street, Gateshead, approx. 5m from junction with Saltwell Road (North Side)	2
(e) Hudson Street, Gateshead, approx. 5m from junction with Wellington Street (North Side)	2
(f) West Street, Gateshead, approx. 45m. south from junction with Wylam Street (West Side)	2
(g) Swan Street, Gateshead, approx. 5m from the junction with High Street (South Side)	2
(h) Bewick Road, Gateshead, approx. 8m. from the junction with High West Street (South Side)	2
(i) High West Street, Gateshead, approx. 5m south from junction with Bewick Road (West Side)	2
(j) Burdon Street, Gateshead, approx. 5m. from junction with High Street (South Side)	2
(k) Old Durham Road, Gateshead, approx. 60m. south from Split Crow Road (East Side)	2
(l) Durham Road, Low Fell, Gateshead, approx. 5m. north	

Vehicles

(m) Adjacent to the un-named road leading from Durham Road, Birtley, to the car park at the rear of the North End Havaton Terrace, approx. 50m. from the junction with Durham Road (South Side)	2
(n) Wrekenton Row, Wrekenton, 5m. to the south of junction with Springwell Road (East Side)	2
(o) Hollyhill, Felling, 30m. to the East of junction with High Street (North Side)	2
(p) Cotemedede, Felling, 75m. to the north of junction with Wealcroft (East Side)	2

Provisions fixing the rates or fares to be paid for hackney carriages within the district, and securing the due publication of such fares.

16. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the following table, the rate or fare being calculated by distance unless the hirer express at the commencement of the hiring his desire to engage by time.

Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter save for any extra charges authorised by the following table which it may not be possible to record on the face of the taximeter.

FARES FOR DISTANCE

(i) MILEAGE

New Pence

If the distance does not exceed 1,600 metres (1,750 yds.) for the whole distance	20
If the distance exceeds 1,600 metres (1,750 yds.) for the first 1,600 metres (1,750 yds.)	20
For each subsequent 400 metres (437 yds.) or uncompleted part thereof	5

(ii) WAITING TIME

For each period of 3 minutes 20 seconds or uncompleted part thereof	5
---	---

(iii) FARES FOR TIME

When the time does not exceed one hour	100
When the time exceeds one hour for each quarter of an	

(iv) EXTRA CHARGES

For hirings begun between midnight and 7 a.m. and all day on bank holidays	12½% of the above rate or fare.
For each person in excess of two in number	5
For each item of hand luggage carried outside the carriage	5
For each dog or other animal	10
For each bicycle or perambulator	5

- 17.(a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by the byelaw in that behalf 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 plying 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

18. 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.

19. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him;

- (a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to a police station in the District, and leave it in the custody of the officer in charge of the station 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 police station, whichever be the greater) but not more than five pounds.

PENALTIES

20. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding

and in the case of a continuing offence to a further fine not exceeding five pounds for each day during which the offence continues after conviction therefore.

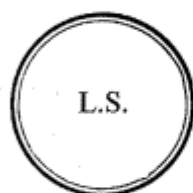
REPEAL OF BYELAWS

21. The byelaws relating to hackney carriages referred to in the Schedule hereto are hereby repealed.

SCHEDULE

<i>Date of Byelaws</i>	<i>By Whom Made</i>	<i>Date of Confirmation</i>	<i>By Whom Confirmed</i>
6th January, 1962	The County Borough Council of Gateshead	7th March, 1962	One of Her Majesty's Principal Secretaries of State
21st July, 1970	The Urban District Council of Blaydon	12th October, 1970	One of Her Majesty's Principal Secretaries of State
5th July, 1972	The County Borough Council of Gateshead	11th September, 1972	One of Her Majesty's Principal Secretaries of State
17th September, 1974	The Borough Council of Gateshead	30th October, 1974	One of Her Majesty's Principal Secretaries of State
31st December, 1974	The Borough Council of Gateshead	7th February, 1975	One of Her Majesty's Principal Secretaries of State

GIVEN under the Common Seal of the Borough Council of Gateshead this 2nd day of April 1975.

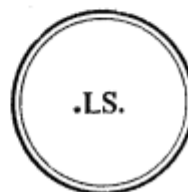


JOHN C. S. WHEATLEY,
Mayor

J. W. DAVIES,
Director of Legal Services

The Secretary of State this day confirmed the foregoing byelaws and fixed the date on which the byelaws are to come into operation as the 9th day of May 1975

K. P. WITNEY,
*An Assistant Under Secretary of State
Home Office Whitehall*



Section 8

HACKNEY CARRIAGE DRIVERS LICENCE - Guidance

Note : The Council have no powers to attach conditions to Hackney Carriage Drivers. The following are guidance.

Failure to comply with the guidance may call into question a licensee's fitness and propriety.

In this guidance the term "you" means the Licensed Driver.

Guidance

If you move house, you should return your Licence to the Council within seven days. An amended licence will be issued.

You should return the Licence to the Licensing Section of the Council on the expiry, revocation or suspension of the Licence.

The Licence and Driver's Badge remain the property of the Council at all times.

You should report the loss of the Licence or Driver's Badge to the Licensing Section of the Council as soon as such loss becomes known.

You may obtain a duplicate Licence or Badge on payment of the current fee.

You must carry a guide or assistance dog belonging to a passenger free of charge. If you have a medical condition that precludes you from close contact with dogs, you must make application to the Licensing Section of the Council for an Exemption Certificate. You must display the Exemption Certificate Permit in the vehicle. It is an offence to refuse to carry a guide or assistance dog accompanied by a passenger unless you can produce your exemption certificate and/or permit issued by the Council.

You shall: -

- a. not, without the express consent of the hirer, play any radio or sound reproduction instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.
- b. at no time cause or permit the noise emitted by any radio or other equipment as mentioned in a) above to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.
- c. provide a written receipt if requested by the hirer of the vehicle.

- d. not cause the fare recorded on the face of the taximeter to be cancelled or concealed until the hirer has had reasonable opportunity of examining it and has paid the fare (unless credit is to be given).
- e. not convey in the vehicle any animal belonging to or in the custody of the driver.

You should notify the Council within 48 hours any arrest and release, charge or conviction.

All drivers must attend any relevant training or awareness raising events as deemed necessary by the Council. Drivers will be notified in writing at least 7 days in advance of such training and events. Failure to attend without reasonable cause may prevent renewal of your licence.

The licence does not permit the holder to drive any vehicle which is adapted to carry passengers with a disability unless the driver has completed relevant disability awareness training, which must be periodically updated as may be required by the Council.

Section 9

HACKNEY CARRIAGE VEHICLE LICENCE CONDITIONS

Note : The Council is empowered by virtue of the provisions of the Local Government (Miscellaneous Provisions) Act 1976 to attach such conditions as may be considered reasonably necessary to the granting of Hackney Carriage Vehicle Licences.

If you are aggrieved by any of the following conditions you may appeal to the Magistrates Court within twenty-one days of receipt of the Licence.

The principal Offices of the Council for the purpose of the Local Government (Miscellaneous Provisions) Act 1976 is Gateshead Civic Centre Regent Street Gateshead NE8 1HH.

Please note that these Conditions are not exhaustive. The Town Police Clauses Act 1847, The Local Government (Miscellaneous Provisions) Act 1976 and the Hackney Carriage Byelaws also regulate the licensing and use of Hackney Carriage Vehicles.

In these conditions the term “you” means the proprietor(s) of a hackney carriage.

CONDITIONS

GENERAL

1. This Licence is yours. You must notify the Council if you transfer your interest in the vehicle and licence. The renewal of the Licence will be at the Council's discretion.
2. You must maintain a continuous public hire Policy of Insurance for your licensed vehicle.
3. If an authorised officer of the Council or constable asks you, you must produce:
 - a. your current driving licence
 - b. the vehicle registration document
 - c. the vehicle insurance certificate within five days of the request.
4. If you move house, you must return your licence to the Council within seven days. An amended licence will be issued at a fee specified by the Council.
5. If you lose your licence, you may get a duplicate on payment of the current fee.

6. You must, within seven days disclose to the Council, in writing, details of any convictions or cautions imposed on you during the period of the Licence.
7. You must be sure that every person who drives your licensed vehicle for purpose of hire and reward holds a current Hackney Carriage Drivers Licence. You are required by law to hold the Licence of every driver who drives your vehicle.
8. You must keep a register of the names and addresses of all persons who drive the vehicle. This register must be available for inspection by Authorised Officers of the Council.

THE LICENCE PLATES

9. You must secure and display the exterior licence plate on the rear of the vehicle, as near as is practicable to the vehicle registration plate, so that it can be clearly read by pedestrians and road users. It must not be displayed on or in the rear window.
10. You must affix the interior licence permit to the inside of the windscreen so that it is visible to passengers at all times.
11. If the vehicle fails a mechanical retest the licence will be suspended, and the exterior licence plate will be removed. The Plate will be returned when the vehicle passes a further test which you must pay for.
12. You must report the loss of any licence plate to the Council as soon as you become aware of the loss.
13. You may obtain a duplicate licence plate for a fee specified by the Council.
14. The licence remains the property of the Council at all times.

THE VEHICLE

15. You must display the Motif issued by the Council centrally on the upper panel of the front offside and front nearside doors. The door motifs must be displayed upon the vehicle at all times whilst the vehicle is on the public highway unless parked up overnight. Duplicate Motifs may be purchased from the Council.
16. You must not allow the vehicle to be used unless:
 - a. the roof covering is watertight

- b. it is provided with any necessary windows and at least one window on each side is capable of being opened and closed
 - c. the seats are properly cushioned or covered
 - d. the fittings and furniture are kept clean, well maintained and in every way fit for public service
 - e. means are provided for securing any luggage carried in the vehicle
 - f. if your vehicle is furnished with a fire extinguisher it must be firmly secured in the boot
 - g. it is provided with at least two doors for the use of passengers (other than the driver's door) with effective means for passengers being conveyed in the vehicle to open each door
17. You must not allow the vehicle to be used unless a sign with the word "TAXI" is displayed on its roof. The sign must be capable of being illuminated.
18. No change in the specification, design, condition or appearance of the vehicle may be made at any time without the approval of the Council.
19. You must not allow any sign to be displayed on or from the vehicle unless it is required by law, is required or permitted by these conditions, or has been agreed by the Council in writing.
20. Adverts may only be displayed on the rear doors and rear side panels of the licensed vehicle provided a copy has been submitted to and approved by the Council.
21. You may display the name and telephone number of the Company operating your vehicle in its front and rear windows or on the rear doors or side panels. However, the display must not be illuminated and must not contravene any Road Traffic Act.
22. If the vehicle is in an accident and its safety or appearance is affected, you must inform the Council immediately and then give details, in writing and within three days. If you are in doubt as to whether the vehicle is affected, you must advise the Council.
23. The meter installed in the vehicle shall only be inspected, tested, calibrated and sealed by an authorised meter agent as approved by the Licensing Manager under the Council's 'Authorised Meter Agent Scheme'.

24. Only those tariffs approved by the Council, or lower, and displayed upon a scale of charges are permitted to be installed on the meter.

Section 10

PRIVATE HIRE DRIVERS LICENCE CONDITIONS

Note : The Council is empowered by virtue of the provisions of the Local Government (Miscellaneous Provisions) Act 1976 to attach such conditions as may be considered reasonably necessary to the granting of Private Hire Drivers Licence.

If you are aggrieved by any of the following conditions you may appeal to the Magistrates Court within twenty-one days of receipt of the Licence.

The principal Offices of the Council for the purpose of the Local Government (Miscellaneous Provisions) Act 1976 is Gateshead Civic Centre Regent Street Gateshead NE8 1HH.

Please note that these Conditions are not exhaustive. The Local Government (Miscellaneous Provisions) Act 1976 also regulates the licensing of Private Hire Driver Licences.

In these conditions the term “you” means the Licensed Driver.

CONDITIONS

1. The Licence shall remain the property of the Council at all times.
2. You must return the licence to the Council for endorsement when you change your home address.
3. You must return the licence and badge to the Council on the expiry, revocation or suspension of the licence.
4. You must report the loss of the licence or badge to the Council as soon as such loss becomes known.
5. You may obtain a duplicate licence or badge which has been lost upon payment of the current fee.
6. You shall not use a private hire vehicle which is equipped with a taximeter for any journeys unless –
 - a. when the vehicle is hired by distance, before commencing the journey specified by the hirer you bring the machinery into action by moving the key or other device fitted for that purpose, so the word “Hired” is legible on the face of the taximeter and keep the machinery of the taximeter in motion until the termination of the hiring

- b. you cause the dial of the taximeter to be kept properly illuminated throughout any part of the hiring which takes place during the hours of darkness as defined for the purpose of the Road Traffic Act 1988 and also at any other time at the request of the hirer.
- 7. You must carry a guide or assistance dog belonging to a passenger free of charge. If you have a medical condition that precludes you from close contact with dogs, you must make application to the Licensing Service of the Council for an exemption certificate. You must display the exemption certificate in the vehicle. It is an offence to refuse to carry a guide or assistance dog accompanied by a passenger unless you can produce your exemption certificate and/or permit issued by the Council.
- 8. You shall not solicit any person to hire such vehicle and shall not make use of the services of any other person for the purpose. It is an offence to do so.
- 9. You must 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. If you have agreed, undertaken or been hired to be in attendance with the vehicle at an appointed time and place you shall, unless delayed because of some unavoidable reason, directly attend with such vehicle at such appointed time and place.
- 11. You shall not convey or permit to be conveyed in the vehicle any greater number of persons than the number of persons which the vehicle is licensed to carry.
- 12. If the vehicle is so constructed as to carry luggage you shall, when requested by any person who has hired the vehicle –
 - a. convey a reasonable quantity of luggage
 - b. afford reasonable assistance in loading and unloading such luggage
 - c. afford reasonable assistance in removing from or depositing such luggage in the entrance of any building, station or other place at which you take up or set down such persons.
- 13. You shall immediately after the termination of any hiring, or as soon as is practicable thereafter, carefully search the vehicle for any property which may have been left therein. You shall, if any property is found by any person who may have been conveyed in the vehicle, be found by or be handed in to you,

convey it within twenty-four hours, if not previously claimed by or on behalf of its owner, to the Police Station and leave it in the custody of an Officer in Charge of the Station on his giving a receipt for it.

14. You shall –

- a. not without the express consent of the hirer play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle
- b. at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which you are driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle
- c. if requested by the hirer of the vehicle provide him with a written receipt of the fare paid
- d. not demand from any hirer a fare in excess of any previously agreed for that hiring between the hirer and the operator or, if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter
- e. if the vehicle is fitted with a taximeter does not cause the fare recorded thereon to be cancelled or concealed until the hirer has had reasonable opportunity of examining it has paid the fare (unless credit is to be given)
- f. not convey in a Private Hire Vehicle any animal belonging to or in custody of yourself or the proprietor or operator of the vehicle.

15. You must notify the Council within 48 hours any arrest and release, charge or conviction.

16. All drivers must attend any relevant training or awareness raising events as deemed necessary by the Council. Drivers will be notified in writing at least 7 days in advance of such training and events. Failure to attend without reasonable cause may prevent renewal of your licence.

17. The licence does not permit the holder to drive any vehicle which is adapted to carry passengers with a disability unless the driver has completed relevant disability awareness training, which must be periodically updated as may be required by the Council.

Section 11

PRIVATE HIRE VEHICLE PROPRIETORS LICENCE CONDITIONS

Note : The Council is empowered by virtue of the provisions of the Local Government (Miscellaneous Provisions) Act 1976 to attach such conditions as may be considered reasonably necessary to the granting of Private Hire Vehicle Licence.

If you are aggrieved by any of the following conditions you may appeal to the Magistrates Court within twenty- one days of receipt of the Licence.

The principal Offices of the Council for the purpose of the Local Government (Miscellaneous Provisions) Act 1976 is Gateshead Civic Centre Regent Steet Gateshead NE8 1HH.

Please note that these Conditions are not exhaustive. The Local Government (Miscellaneous Provisions) Act 1976 also regulates the licensing of Private Hire Vehicle Licences.

In these conditions the term “you” means the Proprietor(s) of a Private Hire vehicle.

GENERAL

1. The Licence is yours. You must inform the Authority if you transfer your interest in the licence. The renewal of the Licence will be at the Council's discretion.
2. You must produce the Licence for inspection at the request of any Police Officer.
3. If an Authorised Officer of the Council asks you, you must produce:
 - a. the vehicle registration document
 - b. the vehicle insurance certificate within five days of the request being made.
4. If you move house, you must return your Licence to the Council within seven days. An amended Licence will be issued.
5. If you lose your Licence, you may get a duplicate on payment of the current fee.
6. You must, within seven days disclose to the Council, in writing, details of any convictions or cautions imposed on you during the period of the Licence.

7. You must be sure that every person who drives your Licensed Vehicle for the purpose of hiring holds a current Private Hire Driver Licence.
8. You must keep a register of the names and addresses of all persons who drive the vehicle. This register must be available for inspection by any Authorised Officer of the Council.
9. You must maintain a continuous private hire Policy of Insurance for your Licensed Vehicle.

THE LICENCE PLATES

10. The Licence Plate and Permit remain the property of the Council at all times.
11. You must secure and display the exterior Licence Plate on the rear of the vehicle, as near as is practicable to the vehicle registration plate, so that it can be easily read by pedestrians and road users. It must not be displayed on or in the rear window.
12. You must affix the interior Licence Permit to the inside of the windscreen so that it is visible to passengers at all times.
13. If the vehicle fails a mechanical retest, the exterior Licence Plate and Permit will be removed. The Plate will be returned when the vehicle passes a further test which you must pay for.
14. You must not conceal or deface the Licence Plate or permit.
15. You must report the loss of any Plates to the Council as soon as you become aware of the loss.
16. You may obtain a duplicate Licence Plate for which a charge will be made at the time of the order.

THE VEHICLE

17. You must not allow any sign to be displayed on or from the vehicle unless it is required by law, is required or permitted by these Conditions, or has been agreed by the Council in writing.
18. No change in the specification, design, condition or appearance of the vehicle may be made at any time while the Licence is in force without the approval of the Council.
19. You must not allow the vehicle to be used unless:

- a. the roof covering is watertight
 - b. it is provided with any necessary windows and at least one window on each side is capable of being opened and closed
 - c. the seats are properly cushioned or covered
 - d. the fittings and furniture are kept clean, well maintained, securely fixed and in every way fit for public service
 - e. means are provided for securing any luggage carried in the vehicle
 - f. if your vehicle is furnished with a fire extinguisher it must be firmly secured in the boot
 - g. it is provided with at least two doors for use of passengers (other than the driver's door) with effective means for passengers in the vehicle to open each door
20. You must not carry any greater number of persons than the vehicle is licensed to carry.
21. Advertisements may only be displayed on the rear doors and rear side panels of the licensed vehicle if a copy has been submitted to and approved by the Council.
22. You may display the name and telephone number of the Company operating your vehicle in its front or rear windows or on the rear doors or side panels. However, the display must not be capable of being illuminated and the words ADVANCE BOOKINGS ONLY must be included. The display must not contravene any Road Traffic Act and must not include words such as TAXI, CAB or other similar words which might lead any person to believe that the vehicle is a Hackney Carriage.
23. If the vehicle is in an accident and its safety or appearance is affected, you must inform the Council immediately and then give details, in writing within three days. If you are in doubt as to whether the vehicle is affected you must advise the Council.

THE METER

24. Any meter installed in the vehicle shall only be inspected, tested, calibrated and sealed by an authorised meter agent as approved by the Licensing Manager under the Council's 'Authorised Meter Agent Scheme'.

25. No person shall tamper with or permit a person to tamper with a meter installed in the vehicle.
26. You must not allow the vehicle to be used if a taximeter is installed unless:
 - a. the meter has been tested and found to be satisfactory by an Authorised Officer of the Council
 - b. a Table of Fares has been given to the Council (showing the fares for distance and any extra charges which you propose to charge when the vehicle is hired)
 - c. a statement of such fares and extra charges is exhibited inside the vehicle in such a position that it is always clearly visible to any passenger
 - d. the taximeter is fitted with a key or other device which, when turned, will make the taximeter operate and display the word 'HIRED'
 - e. such key or device can lock the taximeter, so it does not work and no fare is recorded on it
 - f. when the taximeter is working the fare is recorded on it in clearly legible figures. This fare must be unambiguous and must not exceed the rate of fare as given in the Table of Fares deposited with the Council
 - g. the word 'FARE' is printed on the face of the taximeter in plain letters to clearly apply to the fare recorded on the meter
 - h. you have placed the taximeter where all letters and figures on the face of the meter are always clearly visible to any passenger in the vehicle. The letters and figures must therefore be capable of being illuminated.

Section 12

PRIVATE HIRE OPERATORS LICENCE CONDITIONS

Note : The Council is empowered by virtue of the provisions of the Local Government (Miscellaneous Provisions) Act 1976 to attach such conditions as may be considered reasonably necessary to the granting of Private Hire Vehicle Operators Licences.

If you are aggrieved by any of the following conditions you may appeal to the Magistrates Court within twenty-one days of receipt of the Licence.

The principal Offices of the Council for the purpose of the Local Government (Miscellaneous Provisions) Act 1976 is Gateshead Civic Centre Regent Street Gateshead NE8 1HH.

Please note that these Conditions are not exhaustive.

In these conditions the term “you” means the Licensed Operator(s).

CONDITIONS

1. You must return the Licence to the Licensing Section of the Council for endorsement when you change your home address or business address.
2. You shall return the Licence to the Licensing Section of the Council on the expiry, revocation or suspension of such Licence or upon you ceasing to be an Operator.
3. The Licence shall remain the property of the Council at all times.
4. You may obtain a duplicate of a Licence that has been lost on payment of the current fee.
5. You shall report the loss of the Licence to the Licensing Section of the Council as soon as such loss becomes known.
6. You shall keep a record of all Private Hire bookings in the following form -

DATE / SHIFT/ TIME SHIFT COMMENCES/ NAME OF BOOKING CLERK

Followed by a list of all drivers on shift in the following form.

NAME/ BADGE NO./ VEHICLE LICENCE NO./ REGISTRATION NO./ CALL SIGN

Followed by the usual booking information.

TIME / NAME OF CLIENT/ PICKING UP POINT/ DESTINATION/ CALL
SIGN/ NAME OF DRIVER/VEHICLE REGISTRATION/NAME OF
DISPATCHER

- (a) Hackney Carriages undertaking pre-booked journeys are to have their journeys entered in the records.
 - (b) Drivers coming on shift are to have their details recorded as a single entry at the appropriate time.
 - (c) Drivers going off shift are to have their details recorded as a single entry at the appropriate time.
7. Such records shall be kept for a year after the booking has been made.
 8. You must maintain a register of all staff who take bookings and dispatch vehicles and make the register available upon request to authorised officers of the Council.
 9. You must ensure that all staff on that register have had a basic DBS check.
 10. You must inform the person making a booking if you dispatch a PCV instead of a licenced private hire vehicle. The driver of a PCV has not had the same enhanced DBS checks.
 11. You shall keep a record of the following particulars of all vehicles operated by you and their drivers:
 - a. Vehicle Registration Number
 - b. Vehicle Licence Number (as issued by the Council)
 - c. Make, type and colour of vehicle
 - d. Name and address of Vehicle Licence holder
 - e. Vehicle Insurance Cover
 - f. Driver's Name
 - g. Driver's Licence Number (as issued by the Council)
 12. You must ensure, to the best of your ability, that all vehicles used, and drivers employed under the scope of your operator's licence (whether directly owned or employed by you or not and whether or not licensed by this Licensing Authority) comply with all the conditions attached to vehicle and drivers licences as issued by that authority.

13. You shall advise the Council, in writing, of the rate of fares and other charges you operate.
14. You must ensure that no driver is dispatched to a hiring with a vehicle that is adapted to carry passengers with a disability unless the driver has completed relevant disability awareness training by Gateshead Council.
15. You shall ensure that any area to which the public have access, whether for the purpose of booking or waiting –
 - a. be kept clean, adequately heated, ventilated, and lit, and
 - b. ensure that any waiting area has adequate seating facilities.
16. You shall, within seven days, disclose to the Council in writing, details of any convictions or cautions imposed upon you during the period of the Licence.
17. All private hire operators, and their staff responsible for handling calls and directing bookings, must attend any relevant training or awareness raising events as deemed necessary by the Council. Operators will be notified in writing at least 7 days in advance of such training and events. Failure to attend without reasonable cause may prevent renewal of your licence.

Section 13

GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

SECTION 75 (2)&(3) EXEMPTION CERTIFICATE

VEHICLES USED FOR HIRE AND REWARD

EXPLANATORY NOTES

The Local Government (Miscellaneous Provisions) Act 1976 provides that a Licensing Authority may grant to a licensed private hire proprietor an exemption from the requirement to display upon the licensed vehicle, the private hire vehicle license identification plate issued by the council.

When an exemption is given to a licensed private hire proprietor, the driver of the vehicle does not need to wear the private hire driver's identification badge issued by the council.

The Council have resolved that it is reasonable to grant the said exemptions to a licenced private hire proprietor engaged in the provision of an executive/chauffeur/limousine/private ambulance or other service, provided that the Licensing Manager is satisfied in each case that the specification of the vehicle and the overall level of service provision constitute such a service.

Upon written request by the licensed proprietor and operator, the Head of Environment will consider applications for the said exemptions and if satisfied that the application is valid, will then issue a formal notification of exemption, the 'Exemption Notice', to the proprietor.

The Exemption Notice shall not be granted for a period of more than one year and shall expire upon the expiry of the private hire vehicle licence or lesser period as specified on the Exemption Notice.

The private hire operator, proprietor and driver operating under the provisions of an executive/chauffeur/limousine/private ambulance 'Exemption Notice', remain subject to the requirements of the Local Government (Miscellaneous Provisions) Act 1976 with regard to the respective licences and the standard conditions attached in each case.

Should it be the case that the Council's standard private hire operator, proprietor or driver's conditions conflict with the Council's standard 'Exemption Notice conditions, then for the period that the said notice remains in force, the standard 'Exemption Notice' conditions shall be deemed to take precedence.

The 'Exemption Notice' is granted subject to the licenced private hire vehicle being operated in accordance with standard conditions. Failure to comply with these conditions may result in the withdrawal of the exemption notice.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

SECTION 75 (2)&(3) EXEMPTION NOTICE

VEHICLES USED FOR HIRE AND REWARD

STANDARD 'EXEMPTION NOTICE' CONDITIONS

An 'Exemption Notice', exempting a private hire vehicle proprietor from the requirement to display the exterior licence plate upon the vehicle, and the driver of that vehicle from the requirement to wear/display a private hire driver's identification badge, is granted subject to the licensed private hire vehicle being operated in accordance with the conditions set out below.

Failure to comply with these conditions may result in the withdrawal of the exemption notice at the discretion of the Licensing Manager.

Should it be the case that the councils standard private hire operator, proprietor or drivers' conditions conflict with the Council's standard 'Exemption Notice' conditions, then for the period that the said notice remains in force, the standard 'Exemption Notice' conditions shall be deemed take precedence.

1. The Proprietor shall notify the Council immediately in writing if there is any material change in the use of the vehicle.
2. The Proprietor shall ensure that the private hire vehicle licence identification disc issued by the council shall be displayed within the nearside of the front windscreen at all times.
3. The 'Exemption Notice' issued by the Licensing Manager in respect of the licensed private hire vehicle shall be carried within the vehicle at all times and

presented for inspection at the request of an Authorised Officer of the Council, a Police Constable or the hirer.

4. Other than the Council's Licence Identification Disc; the proprietor shall not display in, on or from the vehicle any advertisement, sign, logo or insignia advertising the operating company or promoting the vehicles' status as a licensed private hire vehicle, without the prior written approval of the Licensing Manager.
5. The Private Hire Vehicle proprietors licence identification plate issued by the council shall not be affixed to the vehicle, and shall not be displayed in, on or from the vehicle at any time.
6. The Private Hire Vehicle proprietors licence identification plate issued by the council shall be carried in the luggage compartment of the vehicle at all times and produced for inspection at the request of an Authorised Officer of the Council, a Police Constable or the hirer.
7. No taximeter shall be displayed within the vehicle at any time during vehicle's hirings.
8. No table of fares/tariff card shall be displayed in the vehicle at any time during the vehicle's hirings.
9. A tariff of charges shall be deposited with the Council and carried within the vehicle at all times.
10. The Proprietor shall not change the vehicle colour without the prior written consent of the Licensing Manager.
11. The Proprietor shall ensure that the driver of the vehicle does not wear the private hire driver's licence identification badge issued by the Council or display that badge in, on or from the vehicle at any time during the vehicle's hirings.
12. The Proprietor shall ensure that the private hire driver's identification badge issued by the Council shall be carried within the vehicle at all times and produced for inspection at the request of an Authorised Officer of the Council, a Police Constable or the hirer.
13. The Proprietor shall ensure that the driver of the vehicle shall be appropriately dressed in a chauffeur's uniform, business suit or dress shirt and trousers when carrying out executive/chauffeur limousine private ambulance hirings.
14. The Proprietor shall ensure that the hirer shall be afforded the facility to settle accounts and/or tender direct payment by credit card, debit card or cash (Sterling).