

## Newark & Sherwood District Council

### Hackney Carriage and Private Hire Car Licensing Policy

#### INTRODUCTION

Newark & Sherwood District covers an area of 65,000 hectares in the centre and east of Nottinghamshire. It contains the historic market towns of Newark on Trent and Southwell, commuter villages and rural coalfield villages. Newark also has the closest mainline railway station for the historic city of Lincoln.

In addition to Newark, Southwell and Lincoln, a number of other tourist sites are contained either within the District Boundaries or within a short distance of them. These include Rufford Abbey, with its associated Country Park, Sherwood Forest Visitors Centre, Sherwood Pine Forestry Centre, Southwell Minster and Lincoln Cathedral together with the scenic River Trent.

As a result the District has a large fleet of Licensed Hackney Carriages and Private Hire Vehicles. These vehicles provide an essential link in the transport facilities of the district. They also perform a vital function in providing transport for those who have no other access to cars and for those who find the use of public transport difficult.

This booklet sets out all of the Terms and Conditions applicable to the licensing of these vehicles together with other information relating to these vehicles. The Council licenses Hackney Carriages and Private Hire vehicles under Acts of Parliament which set out its duties in relation to those tasks. The booklet does not supersede or vary the requirements of those Acts.

This booklet sets out the Council's policies, terms and conditions as at 1<sup>st</sup> August 2007. A prospective applicant for a licence should confirm with the Licensing Section at Kelham Hall that no variations or amendments have been made.

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## Section One

### Private Hire and Hackney Carriage Drivers Licences.

- 1 Newark & Sherwood District Council is responsible for the issuing of licences to individuals who wish to drive either Private Hire Cars or Hackney Carriages. The drivers licences issued by the Council entitle the holder to drive both Private Hire Vehicles and Hackney Carriages This generally referred to as a Driver's Licence
- 2 Before the Council can issue or renew a Driver's Licence it must satisfy itself that the applicant has been authorised to drive a motor car for at least 12 months before the application is made and that the applicant is a fit and proper person to hold such a licence.

### **Licences**

- 3 A driver is regarded as being authorised to drive a motor car if he or she holds a full UK driving licence issued by the Driver and Vehicle Licensing Authority, or the appropriate authority in Northern Ireland, the Isle of Man or the Channel Islands, or holds a Community Driving Licence or an exchangeable licence. The Council's Licensing Section will advise whether any Licence issued other than by the DVLA is acceptable..
- 4 On a first application for a Driver's Licence the Council will undertake a check with the DVLA to ensure that any licence issued by it is still in force. Where a licence has been issued outside the UK the applicant must provide a translation of the licence certified by the embassy or consulate of the issuing country.

### **Fit and Proper**

- 5 In order to assess whether a person is fit and proper to hold a Driver's Licence the Council undertakes a number of enquiries and tests. These are
  - a. A check with the Criminal Records Bureau. The Council will require a current enhanced check from the CRB and therefore checks obtained in conjunction with other applications will not be accepted. Where the applicant has been a resident of a country outside the United Kingdom then a certificate of good standing must also be obtained from that country's embassy or consulate together with a certified translation into English. The Council's Policy on the treatment of any convictions revealed by these checks is set out in Appendix 1.
  - b. Two references from individuals who are not either related to the applicant or a proposed employer of the applicant and who have known the applicant for at least twelve months, as to the character of the Applicant and the referees assessment of the applicant's suitability to hold a Driver's Licence.

- c. A medical with the Council's appointed Medical Adviser. This will assess the applicant's physical fitness to be a driver. A driver must meet the same requirements as Group 2 PCV and LGV Drivers. If an applicant holds a PCV or LGV licence a medical may not be required. The applicant may choose to use their own doctor if they prefer.
- d. A test of:
  - i. the applicant's knowledge of the District. This test is available for three different areas of the District: Newark and surrounding area; Southwell and surrounding area and Ollerton and surrounding area. The applicant should choose the test for the area in which they will be primarily based. If a driver wishes to operate in a different area than the test for that area will need to be passed.
  - ii. the applicant's knowledge of the Highway Code
  - iii. the applicant's knowledge the conditions relating to Hackney Carriages and Private Hire Cars applicable in the District .

The test will normally be written but where the applicant has difficulties with reading or writing the test may be conducted verbally. A mark of at least 70% must be attained in this test to pass.
- e. A test of driving ability conducted by the Council's appointed Driving Examiner. This Test will cover the matters set out in Appendix 2.

6 Where the applicant satisfies the Council that they are fit and proper and has held a licence for the requisite time a licence will be granted. If an applicant fails to satisfy the Council in any of the above then the matter will be referred to the General Purposes Committee for a hearing. The procedure for such a hearing is set out as Appendix 11.

7 A Driver's Licence is valid for one year on initial application and is renewable every three years thereafter. A CRB check will be required at each renewal. However a medical check will not be required again until the renewal immediately after the Driver attains the age of 45. Thereafter medicals will be required every three years until the Driver attains 65 when medicals will be required every year. There is however an ongoing obligation to notify the Council of matters which may affect a Driver's fitness to be a Driver. Please see below.

8 The Council will send out the appropriate forms for the renewal of a Driver's Licence two months before the expiry of the current licence. These will include any requirements for medicals or CRB checks. If the forms are not returned in time to allow for the renewal of the Licence it will lapse and cannot be renewed. In that event the Driver will have to make a fresh application and be subject to a medical exam, the Knowledge Test and a Driving Ability Test. The only exception to this will be if a CRB check was requested in sufficient time to be in the hands of the Council before the renewal date and has not been received because of delays at the CRB. In this case a conditional Licence will be issued expiring one month after issue. Once a clear CRB check has been received the Licence will be converted to a full Licence.

- 9 The requirement to be a fit and proper person applies throughout the life of a Licence. If any matter arises which could affect this requirement then the Driver must notify the Council as soon as it occurs. The Council will then assess whether or not the matter reported adversely affects the Driver's eligibility to hold a licence and take any necessary action. The following are examples of matters which may affect this requirement:
- Diagnosis of any disease which may affect the entitlement to hold a DVLA issued driving licence.
  - Any other health matter which could affect the ability to carry out the obligations set out in the Driver's Licence
  - Any conviction for any offence

This list is not exhaustive and if there is any doubt the Driver must contact the Council as soon as possible.

### **Driver's Conduct**

- 10 Once a Driver's Licence has been granted the Driver must abide by the Conditions of the Licence and the Hackney Carriage Bye-Laws. These are set out as Appendix 3. Failure to abide by the Conditions and Bye-Laws may result in action being taken in relation to the Licence. This action may range from no further action to a revocation of the Driver's Licence. In all cases where action involving suspension or revocation is taken by an officer it will be referred to the General Purposes Committee for a final decision. Once a decision has been taken there is a right of appeal to the Magistrates Court.
- 11 Appendix 4 sets out a list of breaches of the conditions and the range of sanctions which may be applied. This list is not exhaustive and the actual sanction applied will depend on the circumstances of each case. It is therefore possible that a higher or lower sanction may be applied in a particular case.

Section Two  
Operators and Vehicles

A Private Hire Operators

- 1 A private hire vehicle must be operated by an individual or firm which holds a licence to operate such vehicles issued by Newark & Sherwood District Council. The Council has to be satisfied that any applicant is a fit and proper person to hold an operator's licence.
- 2 The Council will presume against the issue of an Operators Licence where the operating premises and/or the principal area of operation of the business is not situated in the district of Newark & Sherwood.
- 3 In order to assess whether an individual or firm is fit and proper the Council requires the completion of a Private Hire Operators Licence Application. This requires the following information:
  - Name and (registered) address of the applicant
  - Trading name
  - Address from which the vehicles will be operated
  - If the applicant is a limited company details of the company
  - Details of any previous Private Hire Operators licences held by the applicant or any of the partners or directors or officers of the applicant.
  - Details of any unspent convictions of the applicant or any of the partners or directors or officers of the applicant. Where the applicant is an individual and has not applied for a Hackney Carriage/Private hire Driver's Licence a Basic Disclosure certificate from the CRB will be required.
  - Details of the operating base from which the business will be run.
  - Financial information
  - References as to professional competence.
- 4 The Council will consider all of these factors is deciding whether to grant a licence. In particular:
  - a Where a Private Hire Operator's Licence issued to the applicant or any partner, director or officer has been revoked or suspended the application will be referred to the General Purposes Committee for determination.
  - b Where the applicant or any partner director or officer has been convicted of any offence of dishonesty or an offence relating to a motor vehicle the matter will be referred to the General Purposes Committee for determination
  - c Where the financial information given does not indicate that the applicant is financially sound then the application will be referred to the General Purposes Committee for a decision.

- 4 All cases referred to the Committee will be considered on their own merits
- 5 In determining an application referred to it as a result of a revocation or suspension of an Operator's Licence the General Purposes Committee will have regard to the following:
  - a Whether the revocation or suspension was the direct result of any action by the individual concerned whether as a driver of a private hire vehicle or the manager of any company or firm operating such vehicles.
  - b The reasons for the revocation or suspension and, in the case of a suspension the length of that suspension.
  - c Whether any harm or injury was suffered by a third party as a result of the act or omission that led to the suspension or revocation
- 6 In determining an application referred to it as a result of any conviction of an applicant or partner, director or officer of an applicant the General Purposes Committee will have regard to the following:
  - a The nature of the conviction. Those involving dishonesty, violence of any kind, sexual offences and serious offences involving motor vehicles will be considered to have the most impact on the assessment of whether an applicant is fit and proper. Where the operator also has a Driver's Licence the criteria applied in such cases will be the same as for a Driver's Licence. The reason for this is that Operators will have information as to individual's whereabouts and be able to infer their movements.
  - b The length of time since the last conviction. An application for an Operator's Licence will not be considered where the applicant or a partner director or officer has been convicted of a serious offence in the last five years. Where the individual concerned is not in day-to-day charge of the business or concerned with the operation of the vehicles a lesser period may be taken into account. However at all times the Council's paramount concern must be the safety of the public.
- 7 Where the applicant satisfies the Council that he or she is fit and proper a licence will be granted. If an applicant fails to satisfy the Council in any of the above then the matter will be referred to the General Purposes Committee for a hearing. The procedure for such a hearing is set out as Appendix 11.
- 8 The Operator's Licence will be issued for a specific address and it will be a condition of the licence that only the number of vehicles specified in the Licence are operated from that address. The operating address will be the one at which the vehicles run by the operator will be kept when they are not actually being hired. It is therefore a requirement that the applicant demonstrates that he has the appropriate planning permission in place for the use of the premises as an operating base. This will include any permission required for any radio mast and to keep however many vehicles the operator proposes to run from the premises. The

provisions relating to planning permission for private Hire Operators is set out at Appendix 5. If the appropriate permission is not in place then a licence may not be granted, revised or renewed until it is.

- 9 Any Operator's Licence issued by the council will be subject to the conditions set out in Appendix 6 subject to any variations made by the Council in granting the Licence.

## B Private Hire Vehicles

- 1 A Private Hire Vehicle is one that is Licensed by Newark & Sherwood District Council to carry passengers and must be suitable in type size and design for such use; must not be capable of confusion with a hackney carriage; in suitable mechanical condition; safe and comfortable.
- 2 The Council has therefore set out specifications (see Appendix 7) for Private Hire Vehicles which are designed to ensure that all vehicles licensed by it fit these criteria. The Council does not set out a list of vehicle marques but the specification will mean that some vehicles will not be acceptable. If an applicant is unsure whether a particular vehicle meets the specification or whether it can be altered to fit the specification then advice should be sought from the Council's Licensing Section before the vehicle is purchased,
- 3 All vehicles for which a licence is sought should conform to the specification set out in Appendix 7. If the vehicle does not conform to that specification then the Applicant may request that the application is put before the General Purposes Committee for a decision. The Applicant will be required to demonstrate to the Committee how the vehicle conforms to the criteria set out in Paragraph 1 above.
- 4 Before a Licence is granted or renewed the applicant must supply to the Council the following documents:
  - a. The vehicle registration document
  - b. A certificate of insurance for or covering the vehicle, which complies with all statutory requirements and includes use of the vehicle for hire and reward. The Council reserves the right to confirm with individual insurers that the certificate presented meets this requirement.
  - c. A current MOT Test Certificate
- 5 The vehicle must also be presented to a Council approved Test Station for inspection. This inspection will take the form of a full MOT test. A certificate that the vehicle has passed this inspection will be issued and must also be supplied to the Council before a licence is issued.
- 6 Once a vehicle has been licensed as a Private Hire Vehicle it must be examined at a Council approved Test Centre every six months at the Operators expense. If the vehicle fails the test the licence will be suspended until all defect identified have been corrected and the vehicle



retested. The current MOT and insurance certificate must be presented to the vehicle examiners at the time of examination.

- 7 It must be noted that once a vehicle is licensed as a Private Hire Vehicle it retains that status until the licence expires and is not renewed. Therefore it can only be driven by a person holding Hackney Carriage/Private Hire Driver's Licence even if it is not carrying any passengers.
- 8 Where the applicant satisfies the Council that he or she is fit and proper a licence will be granted. If an applicant fails to satisfy the Council in any of the above then the matter will be referred to the General Purposes Committee for a hearing. The procedure for such a hearing is set out as Appendix 11.
- 9 The Private Hire Vehicle Licence will be issued with the conditions set out in Appendix 8 subject to any variations made by the Council.
- 10 Appendix 10 sets out a list of breaches of the conditions and the range of sanctions which may be applied. This list is not exhaustive and the actual sanction applied will depend on the circumstances of each case. It is therefore possible that a higher or lower sanction may be applied in a particular case

## C Hackney Carriages

- 1 A Hackney Carriage will be licensed to ply for hire, i.e. be available to pick up passengers either at a Rank or on being hailed in the street. The Council requires these vehicle to be suitable in type size and design for such use; in suitable mechanical condition; safe and comfortable. It must also be clearly identifiable as a Hackney Carriage
- 2 The Disability Discrimination Act 1995 provides that from a date to be determined all Hackney Carriages must be accessible to persons with disabilities and be accessible to and able to carry safely disabled persons in wheelchairs. Although Newark & Sherwood District has been selected as one of the first councils for whom these provisions will be compulsory it does not intend to take steps to implement this at present. However the Council does wish to at least maintain the current level of such vehicles in the fleet and therefore any such vehicle licensed by the Council must be replaced by a similar one.
- 3 Before a Licence is granted or renewed the applicant must supply to the Council the following documents:
  - a. The vehicle registration document
  - b. A certificate of insurance for or covering, the vehicle which complies with all statutory requirements and includes use of the vehicle for hire and reward. The Council reserves the right to confirm with

individual insurers that the certificate presented meets this requirement.

c. A current MOT Test Certificate

- 4 The vehicle must also be presented to a Council approved Test Station for inspection. This inspection will take the form of a full MOT test. A certificate that the vehicle has passed this inspection will be issued and must also be supplied to the Council before a licence is issued.
- 5 Once a vehicle has been licensed as a Hackney Carriage it must be examined at a Council approved Test Centre every six months at the Operators expense. If the vehicle fails the test the licence will be suspended until all defect identified have been corrected and the vehicle retested. The current MOT and insurance certificate must be presented to the vehicle examiners at the time of examination.
- 6 It must be noted that once a vehicle is licensed as a Hackney Carriage it retains that status until the licence expires and is not renewed. Therefore it can only be driven by a person holding Hackney Carriage/Private Hire Driver's Licence even if it is not carrying any passengers.
- 7 Where the applicant satisfies the Council that he or she is fit and proper a licence will be granted. If an applicant fails to satisfy the Council in any of the above then the matter will be referred to the General Purposes Committee for a hearing. The procedure for such a hearing is set out as Appendix 11.
- 8 The Hackney Carriage Licence will be issued with the conditions set out in Appendix 8 subject to any variations made by the Council.
- 9 Appendix 10 sets out a list of breaches of the conditions and the range of sanctions which may be applied. This list is not exhaustive and the actual sanction applied will depend on the circumstances of each case. It is therefore possible that a higher or lower sanction may be applied in a particular case

D Ambulance Vehicles

- 1 The Council has created a special subclass of Private Hire Vehicles known as Ambulance Vehicles. As the name suggests these are vehicles adapted to carry the sick and disabled but are not emergency vehicles.
- 2 In order to be licensed as Ambulance Vehicles

## Appendix 1

### Policy on the relevance and effect of criminal convictions on applications for Hackney Carriage/Private Hire Driver's Licences.

1. Each case will be decided on its own merits.
2. A person with a current conviction for offences connected with the driving or keeping of a motor vehicle or indeed with a criminal record need not be barred from obtaining a licence. However, a person will be expected to remain free of conviction for serious crime for three to five years, according to the circumstances, before an application can be considered. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration will be the safety of the public.
3. The following examples afford a general guide on the action which might be taken where convictions are admitted:

#### 3.1 Minor Traffic Offences

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

#### 3.2 Major Traffic Offences

An isolated conviction for an offence such as reckless driving or driving without due care and attention, etc., will require careful consideration of the facts and will at the very least merit a warning as to future driving and advice on the standard expected of hackney carriage and private hire vehicle drivers. More than one conviction for this type of offence within the last two years may merit refusal and no further application will be considered until a period of at least one year free from convictions has elapsed. This period may be longer depending upon the nature and circumstances of any offence(s).

#### 3.3 Disqualifications

Applications, whether for new licences or to reinstate licences held before a period of disqualification, will not normally be granted within the five years of the end of any such period of disqualification. However the circumstances which led to the disqualification will be taken into account in considering the application.

### 3.4 Drunkenness

#### 3.4.1 With a Motor Vehicle.

A serious view is taken of convictions of driving or being in charge of a vehicle while under the influence of drink. Any application revealing any offence involving excess alcohol and a motor vehicle will be dealt with under Paragraph 3.3 above.

#### 3.4.2 Not in a Motor Vehicle.

An isolated conviction for drunkenness need 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 may be appropriate.

### 3.5 Drugs

An applicant with a conviction for a drug related offence will normally be required to show a period of at least five years free of convictions before an application is considered, or seven years after detoxification treatment if he/she was an addict. Any licence granted to an applicant convicted of drugs offences may be granted subject to an additional condition requiring a medical examination at such intervals as the Council considers appropriate. Any such medical examination will be at the licence holder's expense.

### 3.6 Sexual Offences

As hackney carriage and private hire vehicle drivers often carry unaccompanied passengers the Council takes a serious view of all convictions for sexual offences. Therefore there will be a presumption against the granting or renewal of licences by persons with convictions for any sexual offence. However, the circumstances of the offence will be taken into account in considering the application. The onus of proving that an applicant is a fit and proper person to hold a licence remains with the applicant.

### 3.7 Violence

As hackney carriage and private hire vehicle drivers maintain close contact with the public, a firm line will be taken with applicants who have convictions for grievous bodily harm, wounding or assault. At least three years free of such convictions should be shown before an application will be entertained and even then a strict warning as to future conduct will be given.

### 3.8 Dishonesty

Hackney carriage and private hire vehicle drivers are expected to be persons of trust. The delivery of unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare, etc. For these reasons a serious view is taken of any convictions involving dishonesty. In general, a period of three to five years free of conviction may be required before an application is considered.

## 4 Consideration of Applications

Applications will be referred for determination by the Council's General Purposes Committee in the following circumstances:

4.1 where the applicant had been convicted of an offence other than infrequent minor traffic offences, within the five year period immediately preceding the date of the application. However a number of minor traffic offences may result in a reference to the committee as indicating recklessness;

4.2 where the conviction(s) occurred outside the five year period referred to above but:-

4.2.1 the offence was of a particularly serious nature; or

4.2.2 there was a history of criminal convictions demonstrating a series of offences which had occurred with relative frequency over a period of years;

4.2.3 where, in respect of motoring offences which were not spent, the applicant had incurred four or more penalty points in respect of any one offence or had incurred a total of seven or more penalty points; or

4.2.4 where the Strategic Director (Corporate Services) considers that the offence(s) raised concern that the safety of the public might be put at risk.

4.2.5 where information is revealed on a CRB check about behaviour which does not involve a conviction or caution for an offence but which the Strategic Director (Corporate Services) considers should be referred to the Committee under Paragraph 4.2.4

5 When submitting an application for a licence to drive a hackney carriage or private hire vehicle, applicants are required to declare any convictions they may have.

- 6 In the case of convictions or fixed penalties for offences concerning the driving or keeping of a motor vehicle, relevant details are required for the five year period preceding the date of the application. In the case of criminal offences, details are required in respect of ANY offence involving indecency, violence or dishonesty, serious offences connected with the driving of a motor vehicle or any drug or alcohol related offences irrespective of the date of conviction.
- 7 Details of all convictions must be disclosed under the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002. This includes any convictions which would otherwise be “spent”, as taxi drivers do not have the protection afforded under the Rehabilitation of Offenders Act 1974 and accordingly full disclosure is required.
- 8 Applicants should be aware that the licensing authority will check with:-
  - 8.1 the Criminal Records Bureau for the existence and content of any criminal record held in their name, which may include cautions and other information including matters which were not proceeded with; and
  - 8.2 the Driver and Vehicle Licensing Authority for the existence and content of any record held in their name.
  - 8.3 Information received from these checks will be kept in strict confidence while the licensing process takes its course and will be retained for no longer than is necessary.
- 9 The disclosure of a criminal record or other information will not debar an applicant from gaining a licence unless the authority considers that the conviction affects whether they are fit and proper to hold a licence. In making this decision, the authority will consider the nature of the offence, how long ago and what age the applicant was when it was committed and any other factors which may be relevant in accordance with these guidelines and policy.
- 10 Any applicant refused a driver’s licence on the ground that he/she is not a fit and proper person to hold such a licence has a right of appeal to a Magistrates’ Court.

Appendix 2  
Matters examined in Driving Ability Test

- 1 Comply with the requirements of the eyesight test for drivers
- 2 Take proper precautions before starting engine
- 3 Make proper use of:
  - Accelerator
  - Footbrake
  - Clutch
  - Handbrake
  - Gears
  - Steering
- 4 Move away safely and under control
- 5 Stop the vehicle in an emergency promptly and under control
- 6 Reverse into a limited opening to the left or right under control and with proper observation
- 7 Turn in the road under control and with proper observation
- 8 Reverse park under control and with proper observation
- 9 Make effective use of mirror(s)/rear observation well before:
  - Signalling
  - Changing direction
  - Changing speed
- 10 Give signs:
  - Where necessary
  - Correctly
  - That are properly timed
- 11 Take appropriate action on all:
  - Traffic signs
  - Road markings
  - Traffic lights
  - Signals by traffic controllers
  - Signals by other road users
- 12 Exercise proper care in the use of speed

- 13 Keep a safe distance behind vehicles
- 14 Make progress by driving at a speed appropriate to the road and traffic conditions avoiding undue hesitancy
- 15 Make proper use of:
  - Speed on approach
  - Position before turning left
  - Observation
  - Turning right
  - Cutting right hand corners
- 16 Deal with other vehicles safely when:
  - Overtaking
  - Meeting
  - Crossing their path
- 17 Position the vehicle correctly:
  - During normal driving
  - Exercise lane discipline
- 18 Allow adequate clearance to stationary vehicles and obstructions
- 19 Take appropriate action at pedestrian crossings
- 20 Select a safe position for normal stops
- 21 Show awareness and anticipation of the actions of other road users.

An applicant will be permitted 9 minor faults in passing this test. A serious or dangerous fault will result in failure. If the examiner or the applicant stops the test before it is completed that will also count as a failure.



## Appendix 3

### Standard Conditions on Private Hire/Hackney Carriage Drivers Licences and Hackney Carriage Bye-Laws.

#### A Standard Conditions

##### 1 Conduct of Driver

The driver shall:-

- 1.1 afford all reasonable assistance with passengers' luggage;
- 1.2 at all times be clean and respectable in their dress and person and behave in a civil and orderly manner. In particular drivers shall abide by the dress code set out at paragraph 22 below ;
- 1.3 take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle;
- 1.4 not smoke, drink or eat in the vehicle;
- 1.5 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;
- 1.6 at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle; and
- 1.7 ensure that the vehicle is kept clean and well maintained in every way fit for public service.

##### 2. Driver's Badge

The driver shall, when driving a hackney carriage/private hire vehicle wear the driver's badge issued by the Council in such position and manner as to be plainly visible.

##### 3. Tax Meter and Fare to be Demanded

While acting as a driver of a hackney carriage and plying for hire within the District the driver shall charge and cause to be paid the fare calculated at the rate set out in the table of fares displayed in the vehicle and determined from time to time by the Council.

The driver shall not cause the fare recorded on the taxi meter to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare.

##### 4. Licence Plate

Shall ensure that the licence disc in respect of the vehicle is clearly displayed in the front and rear windows of that vehicle.

6. 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 the operator or, if the vehicle is fitted with a taximeter the fare shown on the face of the taximeter.

7. Waiting for Hire

The driver shall NOT permit the private hire vehicle to wait on stands appointed for Hackney Carriages NOR accept an offer for immediate hire while that vehicle is on a road or other public place except where such offer is first communicated to the Licensee by telephone or other apparatus; and without the Driver having first procured the offer in any way.

8. Prompt Attendance

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

9. Route Taken

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

10. 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, irrespective of whether they are children or not.

The carrying of pets shall be at the driver's discretion subject to the obligation to carry guide, dogs, hearing dogs or assistance dogs in accordance with the Disability Discrimination Act 1995 (as amended) and by the regulations made under that Act. The only exception to this obligation is if the driver has an allergy. In this case a medical certificate must be provided to the Council

## 11. Seat Belts

Where seatbelts are provided for use by passengers, the driver shall advise passengers of their requirement to wear the seatbelts.

It is the driver's responsibility to ensure that all children wear seatbelts or use appropriate child restraints in accordance with the table below.

Occupant	Front Seat	Rear Seat	Who is responsible
Driver	Seatbelt must be worn. (Subject to exemptions in law)		Driver
Child under 3 years of age	Correct child restraint must be used.	Correct child restraint must be used. If one is not available in a Taxi, may travel unrestrained in the back	Driver
Child from 3 <sup>rd</sup> birthday up to 135cms in height (or 12 birthday, whichever they reach first)	Correct child restraint must be used	Correct child restraint must be used where seat belts are fitted. Must use adult belt in a rear seat if correct child restraint is not available in a taxi	Driver
Child aged 12 or 13, or over 135cms in height.	Seatbelt must be worn if fitted.	Seatbelt must be worn if fitted	Driver
Adult passengers.	Seatbelt must be worn if fitted.	Seatbelt must be worn if fitted.	Passenger

## 12. Lost Property

12.1 The driver shall immediately after the termination of any hiring of a hackney carriage/private hire vehicle, or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left there;

12.2 if any property accidentally left in a hackney carriage/private hire vehicle by any person who may have been conveyed therein is found by or handed to the driver, they shall seek to identify the owner thereof and failing which, the property shall be delivered to the nearest Police

Station or the Council offices, Kelham Hall, Newark with an explanation of the circumstances.

### 13. Luggage

The driver shall, when requested by the hirer, convey a reasonable quantity of luggage, and afford reasonable assistance with the loading and unloading and removal thereof to the entrance of any house or place at which they may take-up or set-down the hirer.

### 14. Written Receipts

The driver shall, if requested by the hirer of a hackney carriage/private hire vehicle, provide them with a written receipt of the fare paid.

### 15. Deposit of Licence

If the driver is permitted or employed to drive a hackney carriage/private hire vehicle of which the Proprietor/Operator is someone other than themselves, they shall before commencing to drive that vehicle deposit the licence with that Proprietor/Operator until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle owned by the Proprietor/Operator.

### 16. Change of Address

The driver shall notify the Council in writing of any change of their address during the period of the licence within 7 days of such change taking place.

### 17 Interviews & Documents

Where a driver is requested to either attend an interview relating to the driving or operation of a vehicle licensed by the Council and fails to attend without reasonable excuse the Council may suspend this licence without notice. If a driver is requested to attend any of the Council's offices and produce any documents relating to a licensed vehicle, failure to do so within seven days of the request without reasonable excuse may also result in the suspension of this licence

### 18. Convictions

The driver shall, within 7 days, disclose to the Council in writing details of any conviction imposed upon them during the period of the licence. (For the purposes of this condition, a Fixed Penalty Ticket is deemed to be a conviction). When a driving licence issued by DVLA has been endorsed with 9 or more penalty points in total whether at one time or over a period the driver shall be required to attend a meeting of the General Purposes Committee for it to assess whether he or she remains a fit and proper person to hold a Private Hire/Hackney Carriage Driver's licence.

## 19. Disqualifications

Where a driver is disqualified from driving during the period of a licence, that Hackney Carriage/Private Hire Drivers Licence shall become automatically revoked and the licence and badge issued to the driver shall be returned to the Council forthwith.

## 20. Return of Badge

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

## 21. Fire Extinguisher and First Aid Kit

The driver shall ensure that the vehicle is equipped with the relevant serviceable fire extinguisher (a minimum 1 litre AFFF or 1KG dry powder type) and first aid kit. Both of these are to be located in accordance with the Councils Supplementary Testing Manual. The First Aid Kit shall consist of at least the following items :

- |   |  |
|---|--|
| (a) Basic instruction card covering Expired Air Respiration, External Cardiac Compression, Treatment of Shock, Recovery Position and Treatment for Bleeding Control | (g) assorted individual plasters           |
| (b) 1 triangular bandage  | (h) 6 10cm x 10cm Melolin Squares          |
| (c) 1 No.16 eye dressing  | (i) 1 roll surgical tape such as Micropore |
| (d) 3 No 9 large dressings  | (j) 1 pair blunt ended scissors            |
| (e) 3 No 8 medium dressings   |  |
| (f) 3 No 7 small finger dressings   |  |

All of these items are to be contained in a serviceable box, satchel or other suitable container marked as a First Aid Kit

## 22 Dress Code

Dress shall be smart casual at all times. This means: a clean shirt or polo shirt with clean, pressed trousers or skirt or denim jeans and clean, dark coloured shoes. T-shirts, vests, tracksuit bottoms and similar garments will not be acceptable. In the summer months (1<sup>st</sup> May to 30<sup>th</sup> September) clean pressed shorts may be worn with socks and suitable shoes (sandals are not acceptable). A driver may wear any uniform provided by his

employer or the proprietor of the vehicle which he drives provided that it at least complies with this paragraph

### 23. Newark and Sherwood District Byelaws

The Byelaws for the time being in force in the District of Newark and Sherwood with respect to Hackney Carriage and Private Hire Vehicles, Private Hire Operators, Hackney Carriage Proprietors and Hackney Carriage/Private Hire Drivers shall apply to this licence and are incorporated as if they were herein set out in full as conditions of this licence.

## B Hackney Carriage Bye Laws

Made under section 68 of the Town Police Clauses Act 1847, and section 171 of the Public Health Act 1875, by the District Council of Newark and Sherwood, with respect to hackney carriages in the District of Newark and Sherwood.

### INTERPRETATION

1. Throughout these byelaws “the Council” means the Newark and Sherwood District Council and the “district” means the District of Newark and Sherwood.

### 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) if such hackney carriage is mechanically propelled, cause the roof or covering to be kept water-tight;
  - (c) if such hackney carriage is mechanically propelled, 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 be carried in such a position as to be readily available for use; and

- (i) if such hackney carriage is mechanically propelled, 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 motorised hackney carriage shall cause any taximeter with which the carriage is provided to 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 time as well as for distance in pursuance of the tariff fixed by the Council;
  - (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; and
  - (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 motorised 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; and



- (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is between half an hour after sunset and half an hour before sunrise and also at any other time at the request of the hirer.
- 6. A proprietor or driver of a motorised 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 motorised 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 for the purposes of such a carriage;
  - (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; and
  - (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. 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.
- 9. The driver of a hackney carriage shall not when driving for hire smoke without the express permission of the hirer.
- 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. 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.
- 12. 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.

13. 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; and
  - (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 rates or fares to be paid for hackney carriages within the district and securing the due publication of such fares

14. (a) The proprietor or driver of a motorised hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council, the rate or fare being calculated by distance and time, unless the hirer expresses at the commencement of the hiring his desire to engage by time.
- Provided always that where a motorised hackney carriage furnished with a taximeter shall be hired by distance and time 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 Council which it may not be possible to record on the face of the taximeter.
- (b) The proprietor or driver of a horse drawn hackney carriage shall be entitled to demand and take for the hire of the carriage the fare prescribed by the Council, such fare being calculated by measured distance over a number of prescribed routes.
15. (a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by Council resolution to be exhibited inside the carriage, in clearly distinguishable letters and figures.
- (b) The proprietor 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

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 been conveyed in the carriage be found by or handed to him:-
  - (a) carry it as soon as possible and in any event within forty-eight 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; and
  - (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.

#### Provisions in respect of horse drawn hackney carriages

18. The driver of a horse drawn hackney carriage shall, when plying for hire, stand only on ranks specially appointed for the purpose.
19. A proprietor or driver of a horse drawn hackney carriage shall not, while standing, plying or driving for hire, drive or allow to be driven or harness or allow to be harnessed to the carriage any animal in such a condition as to expose any person conveyed or being in such carriage, or any person traversing any street, to risk of injury.
20. The driver of a horse drawn hackney carriage shall, while standing, plying or driving for hire, cause every part of the harness of any horse hitched up to the carriage to be kept in order, so that the horse shall be properly and securely attached to the carriage, and under due control.
21. Every proprietor of a horse drawn hackney carriage shall provide the carriage with a sufficient drag chain and slipper or other sufficient brake.
22. A proprietor or driver of a horse drawn hackney carriage shall not, in any street, feed or allow to be fed any horse harnessed or otherwise attached to such carriage, except with food contained in a proper bag or other receptacle suspended from the head of such horse or from the centre pole of the carriage, or which is held in and delivered with the hand of the person feeding such horse.
23. A proprietor or driver of a horse drawn hackney carriage shall not exercise his calling between half an hour after sunset and half an hour before sunrise.

24. A proprietor or driver of a horse drawn hackney carriage shall not permit a horse used to draw a hackney carriage to be harnessed or otherwise attached to such carriage for more than seven hours in any one day or for more than four consecutive hours.

#### PENALTIES

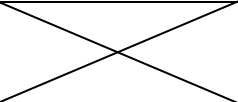
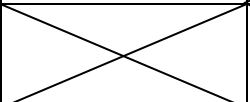
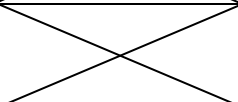
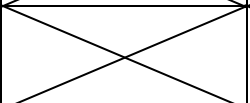
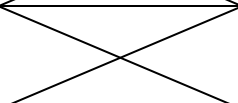
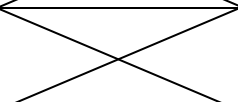
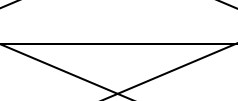

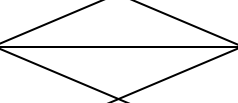
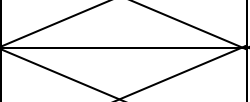
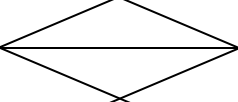
25. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding level two on the standard scale, and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction therefor.

#### REPEAL OF BYELAWS

26. The byelaws relating to hackney carriages which were made by the Mayor, Aldermen and Burgesses of the Borough of Newark on the seventh day of January 1966, and which were confirmed by one of Her Majesty's Principal Secretaries of State on the first day of May 1966 and the byelaws relating to hackney carriages made by the Newark District Council on the first day of March 1975, and which were confirmed by one of her Majesty's Principal Secretaries of State on the twenty fifth day of April 1975 are hereby repealed.

## Appendix 4

### Driver's Licence Offences

Offence	1 <sup>st</sup> Occurrence	2 <sup>nd</sup> Occurrence	3 <sup>rd</sup> Occurrence
Driver failing to wear drivers badge	Formal verbal warning	Written warning	Referral to Committee
Driver's appearance	Verbal warning	Formal verbal warning	Written warning
Failure to maintain appearance and condition of interior and/or exterior of vehicle	Formal verbal warning	Written warning	Referral to Committee
Excessive noise from radio or stereo equipment	Verbal warning	Formal verbal warning	Written warning
Failure to notify change of address	Written warning	Referral to Committee	
Having 9 penalty points on Driving Licence	Referral to Committee		
Failure to notify conviction to Council within 7 days	Referral to Committee		
Failure to have serviceable first aid kit or fire extinguisher in vehicle or warning triangle or appropriate spare bulbs in the vehicle	Written warning	Referral to committee	
Carrying a greater number of passengers than permitted	Written warning	Suspension & referral to Committee	
Using unlicensed vehicle	Referral to Committee		
Charge or tariff on meter above that approved by the Council	Referral to Committee		
Other misconduct by driver not specifically covered above	Formal verbal warning	Written warning	Referral to Committee

**NOTE:**

- 1 Some of the matters referred to in this table may be statutory offences or offences against the Hackney Carriage Bye-Laws. In every such case the Council may also consider criminal prosecution in the appropriate Court as an alternative to any sanction identified in this Appendix
- 2 In serious cases the Council may suspend a drivers licence pending reference to the committee

## Appendix 5

### Planning Requirements for Private Hire Operators

Planning Permission will not normally be required for the operation of a taxi and/or private hire business from a private residential property provided that:-

#### a. Vehicles

- (i) only one vehicle is parked at and/or controlled from the property;
- (ii) the one permitted vehicle is a passenger carrying saloon car, estate car or minibus adapted to carry up to 8 passengers i.e. 8 seats plus driver's seat.
- (iii) no self-drive private hire cars or vans are based at or controlled from the property;
- (iv) such operations do not constitute a part of a light haulage/courier operation;
- (v) no vehicular movements to and from the property take place between the hours of 11.00 pm and 6.00 am, seven days a week (except that a vehicle may, within these times, return to its base at the completion of the drivers period of work and leave at the start of a period of work subject to there being no more than one movement to and one movement from the premises during the above seven hour period each day); and
- (vi) no maintenance other than minor servicing shall take place on or at the property;

#### b. Aerials

If the one car business is deemed not to require planning permission in accordance with (a) above, then only one aerial may be erected in connection with that business and it will not require planning permission provided that:-

- (i) if attached to the property, it does not extend more than one metre above the ridgeline of the property; and
- (ii) if free-standing, the structure is no more than 3 metres high to the top of the aerial from the ground level.

Where planning permission is deemed to be required, i.e. for the operation of two or more taxis or private hire vehicles and the associated communications equipment, then the acceptability of the proposal will generally be tested by reference to the impact of the proposed use on residential amenity, on-street car parking conditions and the character and appearance of the locality.

Note: Provided no valid planning complaints are received regarding the operation of the business, the Local Planning Authority will continue to honour the informal guidance offered to proprietors who were operating a maximum of two taxis/private hire vehicles from a property prior to 1st January, 1994.

However, proprietors who were operating only one vehicle prior to and since 1st January, 1994, will now need to apply for planning permission if they wish to increase their number of vehicles to two or more.

Any pre-1994 two vehicle operators will also be required to apply for planning permission if they wish to increase their number of vehicles to three or more.

## Appendix 6

### Private Hire Operator's Licence Conditions

1. No Operator of a private hire vehicle which is licensed by Newark and Sherwood District Council under this Act shall invite or accept a booking for such vehicle, or control or arrange a journey to be undertaken by such vehicle, without first making available in writing, or giving orally, to the person making the booking information as to the basis of charge for the hire of the vehicle.
2. Every Operator of private hire vehicles who accepts a booking for a private hire vehicle for an appointed time and place, shall give the booking to a vehicle, allowing sufficient time for the vehicle to punctually attend.
3. The Operator, when accepting bookings under the terms and conditions of the licence, shall only operate drivers and vehicles licensed by the Newark and Sherwood District Council.
4. The holder of an Operator's licence shall not permit any person who is drunk, or is behaving in a disorderly manner, to remain upon the premises in respect of which the licence is in force.
5. If the Operator makes provision on any premises for the reception of members of the public proposing to hire a vehicle, the Operator must ensure that the premises are in a clean and tidy condition at all times and that adequate arrangements are made for the seating of customers within the premises.
6. The Operator, as Operator, and without prejudice to any other liability imposed under the Local Government (Miscellaneous Provisions) Act 1976, shall use their best endeavours to ensure that drivers and proprietors of vehicles owned or controlled or operated in association with the Operator shall observe and perform the conditions of their Private Hire Driver's Licence and their Private Hire Vehicle Licence.
7. The Operator shall maintain at their premises particulars of all vehicles operated by him or her, which shall include the following:-
  - (i) the licence plate number;
  - (ii) the registration number;
  - (iii) the name and address of proprietor;
  - (iv) the name(s) and address(s) or driver(s) of the above vehicle(s);
  - (v) the badge number(s) of driver(s); and



- (vi) copies of licences for all vehicles and drivers.
- 8 The records required by Condition 7 shall o be produced to any Authorised Officer of the Council or Police Constable upon request
  - 9 The Council must be informed of any changes in the particulars detailed in Condition 7 above.
  - 10 The Operator shall enter in a bound book, the pages of which are numbered consecutively, particulars of every private hire booking and the particulars shall be entered in the book at the time of the booking and shall include the following:
    - (i) the time and date of each booking;
    - (ii) by what method the booking was received, i.e. telephone call or personal call;
    - (iii) journey from ..... to .....
    - (iv) the name of the hirer and where the booking is received from another operator, the name of that operator;
    - (v) the Private Hire Licence Plate Number of the vehicle and the name and licence number of the driver which will attend or where the booking is passed onto another operator the name of that operator.
  - 11 An alternative method of record keeping may only be used with the written agreement of the Council, which will specify in detail how the records are to be kept.
  - 12 The records required in condition 10 shall be kept for a period of not less than 2 years, or such longer period as required by an Authorised Officer of the Council.
  - 13 A hard copy of the records must be produced immediately, on request, to any Authorised Officer of the Council or Police Constable.
  14. Where a private hire booking is undertaken on behalf of or passed to another Operator details must be recorded in accordance with Condition 8 above.
  15. The Operator shall not, knowingly or without the prior written consent of the Council, engage in partnership with, or allow or suffer any involvement in the management of the Operator hereby licensed:
    - (a) any person who has been convicted of an offence under the Local Government (Miscellaneous Provisions) Act 1976 or any other

- legislation relating to private hire and hackney carriage licensing;  
and
- (b) any person who, for the purposes of Part II of the said Act, has been found by any Licensing Authority not to be a fit and proper person to hold a driver's or Operator's licence. (Your attention is drawn to the Rehabilitation of Offenders Act 1974).
16. The Operator shall notify the Council in writing of any change of their operating address, during the period of the licence within 7 days of such change taking place.
  17. The Operator shall inform the Council of any:
    - (a) any convictions by a Magistrates or Crown Court incurred during the period of the licence within 7 days of the conviction;
    - (b) Any High or County Court judgments against the operator or any partner director or officer of the Operator.,
  18. The Operator shall be responsible for the actions of any manager, supervisor or any other person appointed to run the private hire business on their behalf.
  19. The Byelaws for the time being in force in the District of Newark and Sherwood with respect of Hackney Carriages, Private Hire Vehicles, Private Hire Operators and Hackney Carriage and Private Hire Drivers shall apply to this licence and are incorporated as if they were herein set out in full as conditions of this licence.
  20. A person who offends against a byelaw, or the Town Police Clauses Act 1847 or the Local Government (Miscellaneous Provisions) Act 1976 is liable to a fine not exceeding level 3 on the standard scale. In addition, the Council may suspend or revoke an existing licence or refuse to renew a licence.
  21. Your attention is drawn to the various provisions contained in the legislation referred to in these conditions which you are advised to obtain and read carefully.

## Appendix 7

### Specification for Private Hire Vehicles

#### A Saloon & Estate Cars

- 1 A minimum engine capacity of 1600cc.
- 2 Right hand drive.
- 3 Four passenger doors including the driver's door.
- 4 Seating:
  - (a) seating should be for at least four, but not more than eight passengers in addition to the driver;
  - (b) rearward facing seats over or rearward of the rear wheels and axle(s) having normal access only through a rear door will not be permitted;
  - (c) sideway mounted seats will not be permitted.
- 5 Manufacturers gross vehicle weight for the tyres and suspension actually fitted to the vehicle must be sufficient for a minimum payload equal to a full fuel tank, the driver and the number of passengers for which a licence is requested (at 70 kg per person) and luggage (at 20 kg per passenger); and where propane or Liquid Petroleum Gas is used as the vehicle fuel, the weight of extra equipment must be within the gross weight limit.
- 6 Wheels and Tyres
  - (a) Four road wheels fitted with manufacturer's recommended size tyres.
  - (b) A spare tyre of the same type as fitted to the road wheels.

NB All tyres must be crossply or radials (remould tyres are NOT acceptable unless they are clearly marked showing that they comply with British Standard BSAU144E).
7. A permanent roof which is watertight - a standard sun roof (i.e. sun roof fitted when new by manufacturer) or a sunroof fitted retrospectively will be allowed.
- 8 The vehicle must not show evidence of patched repairs to the chassis or structural body parts of the vehicle including the outriggers unless the repair is of the original gauge metal and continuously welded;
- 9 A separate locking luggage area, or in the case of an estate vehicle, a permanent grille fitted sufficient to prevent luggage carried in the rear

compartment from coming into contact with persons using the rear seat. (Roof racks and, top boxes will not be permitted).

NB The luggage area should have a minimum capacity of .43 cu metres/15 cu feet (hand luggage).

- 10 Rear seat belts. (irrespective of age)
- 11 Nearside and offside exterior rear view mirrors.
- 12 Sufficient means by which a passenger can communicate with the driver.
- 13 A fully serviceable fire extinguisher, fitted in such a position to be readily available for use and a capacity of not less than 1.0 litre A.F.F.F. or 1 kg Dry Powder.
- 14 An approved first aid kit.
- 15 An M.O.T. certificate, which must be produced on application.

\*NOTE An MOT. certificate is required for private hire vehicles after the FIRST YEAR of registration.

- 16 A clean and smart appearance both externally and internally.
- 17 Equipment
  - a Spare wheel and tyre - properly stored to protect passengers' luggage.
  - b Jack.
  - c Wheelbrace.
  - d A reflective warning triangle together with a set of replacement light bulbs for all front and rear lights. The latter does not apply to vehicles with sealed unit lights which do not have replaceable bulbs
  - e\* Fire extinguisher (minimum 1.0 litre AFFF or 1 kg Dry Powder type).
  - f\* An approved First aid kit.

\* Located in accordance with the Supplementary Testing Manual.

- 18 Age
  - a Generally vehicles must be under 5 years of age when first licensed and not over 8 years of age on renewal.
  - b The above presumption shall be rebutted only in exceptional circumstances and where the vehicle satisfies the following criteria:-
    - (i) a full and satisfactory service history of the vehicle should normally be provided;

- (ii) the vehicle holds a current Emissions Certificate;
  - (iii) the vehicle does not show evidence of structural and/or body repairs (for example use of body filler or welding);
  - (iv) the vehicle holds a current MOT. Certificate which remains valid for a period of not less than 6 months at the time of the application; and
  - (v) the vehicle satisfies any mechanical or other test relating to road worthiness or passenger safety set down from time to time by the Licensing Authority. Prior to the conduct of such tests as may be required from time to time by the Licensing Authority the owner of the vehicle should be required to present it at such premises as the Licensing Authority shall direct, the vehicle having first been valetted internally and steam cleaned externally.
  - (vi) In addition, due regard shall be had to the mileage of the vehicle, taking into account the average mileage for a domestic vehicle of a comparable age and vehicle type.
- c. Notwithstanding that a vehicle satisfies the criteria set out in b above the Licensing Authority shall have absolute discretion to refuse to licence the same if it is not satisfied that a sufficient case has been made for the vehicle to be treated as an exemption to the policy.
- d. Vintage Cars, i.e. those vehicles manufactured more than 25 years prior to the date of application for a Private Hire Vehicle Licence, should be treated in exemption to the general policy where the Council's designated Vehicle Examiner has certified that the vehicle is, in his opinion, in mint condition and that it satisfies all current tests and regulations relating to road worthiness and passenger safety.
- e. All applications for exemption from the general policy shall be determined by the General Purposes Committee which may require the owner of the vehicle:-
- (i) to attend a hearing to present the case for the vehicle to be treated as an exemption to the general policy; and
  - (ii) to produce all such documentary evidence as may be required from time to time including the certificates referred to herein.
- f. The Council will use its best endeavours to determine applications within 8 weeks.

- g the fee for determination of applications shall be £300 (subject to annual review). The fee shall be non-refundable

## B Minibuses and MPV's

- 1 A private hire vehicle licence will be granted in respect of a minibus or MPV constructed or adapted to carry up to 8 passengers i.e. 8 seats plus the driver's seat provided that it complies with Paragraphs 1 – 3 and 5 – 18 above together with the following Conditions.
- 2 The vehicle must have appropriate emergency exit facilities i.e. two emergency doors as follows:
  - a one side opening door and one rear opening door (which must not be a single vertically opening door) in addition to the driver and front passenger doors, both of which must be capable of being opened from the inside with direct access for all passengers; or
  - b two side opening doors, in addition to the driver and the front passenger doors, both of which must be capable of being opened from the inside and with direct access for all passengers. For the avoidance of doubt this means that all passengers must be able to exit the vehicle without passing the end of another row of seats or having to lift, move or cross over another seat; and
  - c all opening mechanisms must be to manufacturer's standard specifications or comply with current British Safety Standards.
3. Folding or moving seats which are so constructed to provide access to other seats and/or doors to which there is no direct access will not be permitted. Seats must not be of the bench or crew type.
- 4 Where a vehicle is to be accessible to wheelchairs the following conditions apply:
  - a Access may be through either the side or rear door for wheelchairs. The rear access for all passengers must not be blocked by any chair lift once the doors are closed.
  - b Emergency signage must be provided where solid wheelchair ramps obscure emergency signs.
  - c. Wheelchair anchorage points and seat belts must be fitted to the vehicle in accordance with the relevant statutory provisions and British Standard.

## Appendix 8

### Hackney Carriage and Private Hire Vehicle Licence Conditions

#### Licence Plates and Signs

1.
  - (a) The Proprietor or Operator shall cause the number of this licence to be fixed and displayed on the hackney carriage or private hire vehicle at all times during which the vehicle is licensed as a hackney carriage or private hire vehicle. The number is to be displayed by means of the licence disc and the licence plate issued by the Council to the Proprietor or operator.
  - (b) The licence plate shall be fixed and clearly displayed either on the rear bumper or attached to the rear registration plate of the vehicle. In the latter case the Licence plate shall not obscure the Registration Plate
  - (c) The licence disc shall be fixed and clearly displayed on the left-hand side of the windscreen of that vehicle.
  - (d) The Proprietor or Operator shall ensure that the approved taxi or private hire vehicle signs, containing the Council's logo, are displayed on both side of the vehicle on the area behind the rear doors (unless another approved sign is displayed there in which case the position of the logo shall be agreed by the Council) of the hackney carriage or private hire vehicle at all times while the vehicle is Licensed as a Hackney Carriage or Private Hire Vehicle. The sign must be displayed with the words 'Newark & Sherwood District Council' uppermost.
2. The licence plate and the licence disc referred to in Condition 1 shall remain the property of the Council and shall be returned forthwith to the Strategic Director (Corporate Services), Newark and Sherwood District Council, Kelham Hall, Newark, Nottinghamshire, if the Proprietor or Operator no longer holds a Hackney Carriage or Private Hire Vehicle Licence issued by the Council which is in force in respect of the vehicle.

#### Authority to Inspect Vehicles and Conduct Vehicle Inspections

3.
  - (a) An Authorised officer of the District Council or any Police Constable shall have the power at all reasonable times to inspect and test any hackney carriage vehicle licensed by the District Council for the purpose of ascertaining its fitness.
  - (b) If the Authorised Officer of the District Council or the Police Constable is not satisfied with the fitness of the licensed vehicle, the Proprietor shall, after being notified in writing, present the vehicle at the time and place specified for an examination.

4. In addition to the provisions of Condition 3 above, the Proprietor or Operator shall present the hackney carriage or private hire vehicle for inspection and testing at such time as specified in a notice served upon the Proprietor by an Authorised Officer of the District Council or any Police Constable requiring the Proprietor or Operator to do so.

Provided that the Council shall not under the provisions of this Condition require the Proprietor or Operator to present the vehicle for inspection and testing on more than two separate occasions during any one period of twelve months.

5. If the Authorised Officer or police Constable is not satisfied as to the condition of the hackney carriage or private hire vehicle upon completion of the inspection required by Condition 3(b) or Condition 4, as the case may be, he or she may immediately suspend the vehicle licence and the Proprietor or Operator shall forthwith upon being required to do so by the Authorised officer or Constable, cause the licence plate and licence disc to be removed from the hackney carriage or private hire vehicle and handed to the Authorised Officer or Constable who shall retain them until such a time as he is satisfied as to the condition of the hackney carriage or private hire vehicle, whereupon the licence plate will be returned to the Proprietor or Operator.
6. In addition to the provisions of Conditions 3, 4 or 5 above, the vehicle shall be subject to a mechanical examination every six months which will be conducted at a test station approved by the Council.

#### Vehicles - General

7. The vehicle shall comply with the specification for hackney carriage and private hire vehicles set by the Council.
8. The vehicle shall be kept clean and well maintained in every way fit for public service.
9. The vehicle will only be permitted to carry the number of persons specified on the licence irrespective of whether they are children or not.
10. All vehicles shall be fitted with seatbelts, one for each passenger, plus the driver, which shall be readily accessible for use and maintained in a useable state of repair.
11. The vehicle may only be driven by a person holding a valid Hackney Carriage/Private Hire Drivers Licence issued by this Authority (subject to the exemptions in law).
12. A hackney carriage or private hire vehicle licensed with this Authority may not hold a hackney carriage or private hire vehicle licence with another Authority.



- 13 If a vehicle is equipped to tow a trailer it shall not at any time it is licensed as a Private Hire Vehicle or Hackney Carriage tow any trailer or other vehicle whilst it is carrying fare paying passengers.

#### Vehicle Documentation

14. (a) The Proprietor or Operator shall during the currency of this licence hold a policy of insurance which complies with Part 4 of the road Traffic Act 1988.
- (b) The Proprietor or Operator shall produce, when required, the vehicle's registration document, certificate of insurance and Ministry of Transport (MOT) certificate and shall ensure that the vehicle displays a valid Vehicle Excise Licence.
- (c) Failure to produce such documents within seven days of being so required may result in the suspension of the vehicle licence without notice.

#### Advertising on Vehicles

15. (a) any advertising shall be confined to the door panels and rear boot panels and in the case of hackney carriages to the top sign as permitted by law;
- (b) no licensed vehicle shall carry an advertisement for any other hackney carriage or private hire proprietor, operator or company.

Note Notwithstanding that any hackney carriage/private hire vehicle which at the time of implementation of this rule shall be permitted to retain any design, which has been approved by the Council, until such time as that vehicle ceases to be a licensed hackney carriage or private hire vehicle, or the livery of the vehicle is altered, whichever is the shorter period.

All designs are to be submitted for approval by the Council prior to use on vehicles.

#### Taxi Signs & Roof Signs

16. (a) A hackney carriage shall carry upon the roof, or as an alternative in or on the windscreen of the said vehicle, a sign which shall include the word "Taxi" or "For Hire" and shall be capable of being illuminated internally at all times when the vehicle is plying for hire, but not otherwise; and such sign shall be fixed in such manner and position and to be of such size as shall be approved by the Council.
- (b) A private hire vehicle shall NOT display any sign which might reasonably be taken to indicate that the vehicle is a hackney carriage, and for this purpose includes the word 'TAXI' or 'CAB' in the singular or the plural, or any word of similar meaning or appearance

or such words in combination with any other word or words shall be taken to indicate that the vehicle is a hackney carriage licensed to ply for hire.

A Private Hire Vehicle shall NOT carry any roof sign.

#### Fare Meters and Fares for Hackney Carriages

17. A hackney carriage shall be so constructed or adapted as to be capable of carrying the fare meter in a position acceptable to the Council and visible to all passengers at all times.
18. The Proprietor of the hackney carriage shall cause the official rates of fare to be exhibited in the carriage as to be clearly visible by all passengers. The Proprietor shall ensure that at all times the table of fares are kept in such condition that all lettering thereon is clearly visible to the passengers and shall renew the same cards as often as is necessary in order to comply with these conditions. Additional copies of the cards may be obtained from the Council.
19. The fare displayed on the taxi meter for the use of this vehicle when plying for hire within the district shall be strictly at the rate calculated in accordance with the scale of fares determined from time to time by the Council.
20. The Operator of a private hire vehicle is not required to fit a taximeter but no such vehicle so equipped shall be operated unless the taximeter has been tested by the Council.

#### Reporting of Accidents

21. The Proprietor or Operator shall, within 72 hours of any accident involving the hackney carriage or private hire vehicle, report such occurrence to the Council.

#### First Aid Kits and Fire Extinguishers

22. The vehicle shall be fitted with a First Aid Kit and a serviceable 1.0 litre A.F.F.F. or 1.0 kilogram Dry Powder Fire Extinguisher. Both of these items must be carried in accordance with the instructions in the Supplementary Testing Manual.
23. The vehicle shall also carry a reflective warning triangle together with a set of replacement light bulbs for all front and rear lights. The latter does not apply to vehicles with sealed unit lights which do not have replaceable bulbs

#### Proprietors/Operators of Hackney Carriages/Private Hire Vehicles

24. (a) The Proprietor or Operator shall not in Newark and Sherwood District act as a driver of a vehicle unless he has a current Hackney Carriage/Private Hire Driver's Licence issued to him by the Council.
- (b) The Proprietor or Operator shall not in Newark and Sherwood District employ or use any person as a driver of the vehicle, or permit any other person to act as the driver of the vehicle unless the person concerned holds a current Hackney Carriage Private Hire Driver's Licence issued by the Council (subject to the exemptions in law).
25. The Proprietor or Operator shall inform the Council in writing of any:-
- (a) all convictions and penalties incurred, whether imposed by a Court or by a Police Officer or other officer authorised to serve Fixed Penalty Notices, during the period of the licence within seven days of the conviction or the issuing of the Fixed Penalty Notice; - (for this purpose a fixed penalty is classed as a conviction).
- (b) County or High Court judgements, i.e. in the case of bankruptcy, etc.
- (c) change of their address during the period of the licence within 7 days of such change taking place.

#### Documentation to be Maintained by Proprietors/Operators of Hackney Carriage/Private Hire Vehicles

26. (a) The Proprietor or Operator shall maintain a list of the names and addresses of all persons employed, or otherwise used, by him or her for the purposes of driving the hackney carriage, and shall make such a list available for inspection by the Council on demand.
- (b) The Proprietor or Operator must notify the Council in writing of any change of address (including any change of business address) during the period of the licence, within seven days of such change taking place.

#### Interviews

- 27 Where a Proprietor or Operator is requested to either attend an interview relating to the driving or operation of a vehicle licensed by the Council and fails to attend without reasonable excuse the Council may suspend this licence without notice.

#### Newark and Sherwood District Byelaws

28. The Byelaws for the time being in force in the District of Newark and Sherwood with respect to Hackney Carriage and Private Hire Vehicles, Hackney Carriage Proprietors, Private Hire Operators and Hackney Carriage Private Hire Drivers shall apply to this licence and are

incorporated as if they were herein set out in full as conditions of this licence.

#### Penalties

28. A person who offends against a byelaw, or the Town Police Clauses Act 1847 or the Local Government (Miscellaneous Provisions) Act 1976 is liable to a fine not exceeding level 3 on the standard scale. In addition, the Council may suspend or revoke an existing licence or refuse to renew a licence.

## Appendix 9

### Hackney Carriage Specification

- 1 A minimum engine capacity of 1600 cc.
- 2 Must be a saloon car or a purpose built hackney carriage or a vehicle adapted to carry a wheelchair. A minibus will not be licensed as a Hackney Carriage.
- 2 Right hand drive.
- 3 Four passenger doors including the driver's door.
- 4 Seating:
  - (a) seating should be for at least four, but not more than eight passengers in addition to the driver;
  - (b) rearward facing seats over or rearward of the rear wheels and axle(s) having normal access only through a rear door will not be permitted;
  - (c) sideway mounted seats will not be permitted.
- 5 Manufacturers gross vehicle weight for the tyres and suspension actually fitted to the vehicle must be sufficient for a minimum payload equal to a full fuel tank, the driver and the number of passengers for which a licence is requested (at 70 kg per person) and luggage (at 20 kg per passenger); and where propane or Liquid Petroleum Gas is used as the vehicle fuel, the weight of extra equipment must be within the gross weight limit.
- 6 Wheels and Tyres
  - (a) Four road wheels fitted with manufacturer's recommended size tyres.
  - (b) A spare tyre of the same type as fitted to the road wheels.

NB All tyres must be crossply or radials (remould tyres are NOT acceptable unless they are clearly marked showing that they comply with British Standard BSAU144E).
8. A permanent roof which is watertight - a standard sun roof (i.e. sun roof fitted when new by manufacturer) or a sunroof fitted retrospectively will be allowed.
- 8 The vehicle must not show evidence of patched repairs to the chassis or structural body parts of the vehicle including the outriggers unless the repair is of the original gauge metal and continuously welded;

- 9 A separate locking luggage area, or in the case of an estate vehicle, a permanent grille fitted sufficient to prevent luggage carried in the rear compartment from coming into contact with persons using the rear seat. (Roof racks, top boxes and trailers will not be permitted).

*NB The luggage area should have a minimum capacity of .43 cu metres/15 cu feet (hand luggage).*

- 10 Rear seat belts. (irrespective of age)
- 11 Nearside and offside exterior rear view mirrors.
- 12 Sufficient means by which a passenger can communicate with the driver.
- 13 A fully serviceable fire extinguisher, fitted in such a position to be readily available for use and a capacity of not less than 1.0 litre A.F.F.F. or 1 kg Dry Powder.
- 14 An approved first aid kit.
- 15 An M.O.T. certificate, which must be produced on application.

\*NOTE An M.O.T. certificate is required for private hire vehicles after the FIRST YEAR of registration.

- 16 A clean and smart appearance both externally and internally.
- 17 Equipment
- a Spare wheel and tyre - properly stored to protect passengers' luggage.
  - b Jack.
  - c Wheelbrace.
  - d A reflective warning triangle and a set of replacement bulbs for all front and rear lights. The latter does not apply to vehicles with sealed unit lights which do not have replaceable bulbs
  - e\* Fire extinguisher (minimum 1.0 litre A.F.F.F. or 1 kg Dry Powder type).
  - f\* An approved First aid kit.

\* Located in accordance with the Supplementary Testing Manual.

- 18 Age
- a Generally vehicles must be under 5 years old on first registration and under 8 years old on renewal. A purpose built or wheelchair accessible Hackney Carriage must be under 7 years of age when first licensed and not over 12 years of age on renewal.

- b The above presumption shall be rebutted only in exceptional circumstances and where the vehicle satisfies the following criteria:-
- (i) a full and satisfactory service history of the vehicle should normally be provided;
  - (ii) the vehicle holds a current Emissions Certificate;
  - (iii) the vehicle does not show evidence of structural and/or body repairs (for example use of body filler or welding);
  - (iv) the vehicle holds a current M.O.T. Certificate which remains valid for a period of not less than 6 months at the time of the application; and
  - (v) the vehicle satisfies any mechanical or other test relating to road worthiness or passenger safety set down from time to time by the Licensing Authority. Prior to the conduct of such tests as may be required from time to time by the Licensing Authority the owner of the vehicle should be required to present it at such premises as the Licensing Authority shall direct, the vehicle having first been valetted internally and steam cleaned externally.
  - (vi) In addition, due regard shall be had to the mileage of the vehicle, taking into account the average mileage for a domestic vehicle of a comparable age and vehicle type.
- c. Notwithstanding that a vehicle satisfies the criteria set out in b above the Licensing Authority shall have absolute discretion to refuse to licence the same if it is not satisfied that a sufficient case has been made for the vehicle to be treated as an exemption to the policy.

## Appendix 10

### Offences by Private Hire Vehicle Operators/Hackney Carriage Proprietors

Offence	1 <sup>st</sup> Occurrence	2 <sup>nd</sup> Occurrence	3 <sup>rd</sup> Occurrence
Failing to have 'For Hire' sign on Hackney Carriage	Formal verbal warning	Written warning	Referral to Committee
Failure to display hackney fare tariff	Formal verbal warning	Written warning	Referral to Committee
Failure to display Council's logo either in the correct place or at all	Formal verbal warning	Written warning	Referral to Committee
Failure to notify the Council of any road traffic accident or damage to a Hackney Carriage or Private Hire Car	Formal verbal warning	Written warning	Referral to Committee
Failure to display current vehicle excise licence	Referral to Committee	X	X
Private Hire Operator failure to keep accurate record of bookings	Written warning	Referral to Committee	X
Employing an unlicensed driver or permitting an unlicensed driver to use a licensed vehicle	Referral to Committee	X	X
Failure to comply with insurance, MOT or other inspection requirements	Referral to Committee	X	X
Failure to display licence plates as prescribed by the Council	Referral to Committee	X	X
Failure to maintain lights, brakes, indicators, Tyres, horn, exhaust system or any other construction and use offence	Referral to Committee	X	X
Failure to keep the vehicle clean and well maintained	Formal verbal warning	Written warning	Referral to Committee

**NOTE:**

- 1 Some of the matters referred to in this table may be statutory offences or offences against the Hackney Carriage Bye-Laws. In every such case the Council may also consider criminal prosecution in the appropriate Court as an alternative to any sanction identified in this Appendix
- 2 In serious cases the Council may suspend a Hackney Carriage/Private Hire Operator's licence pending reference to the committee



## Appendix 11

### Procedure for hearings before The General Purposes Committee or A Sub-Committee

The following procedure will ordinarily be followed at the Committee/Sub-Committee hearing:

- 1 The Chair will introduce themselves, other Members and relevant Officers. The Chair will also ask the applicant to introduce themselves and any witnesses they wish to call. Member of the panel will be asked whether they have an interest in the proceedings. The Chair will then outline the procedure to be followed by the Committee and any time limits to be imposed on the presentation of cases.
- 2 Where the Committee has been asked to determine an application for a Licence the applicant will be asked to present their case first. Where witnesses are called, it is expected that each witness will give their evidence and then be open for questioning once their evidence has finished. The next witness will then give evidence. The order for asking questions will be:
  - The Licensing Officer/Representative
  - Committee/Sub-Committee members
  - Legal advisor to the Committee/Panel (where appropriate)
- 3 The Licensing Officer will then present the Committee/Sub-Committee with the information that has led the application to be referred to the Committee. Usually this will be contained in a written report to the Committee/Sub-Committee. The order for asking questions of the Licensing Officer will be:
  - The Applicant
  - Committee/Sub-Committee members
  - Legal advisor to the Committee/Panel (where appropriate)
- 4 Once all the evidence has been given the Licensing Officer and the applicant will then be given an opportunity to sum up their case with the applicant having the final word.
- 5 Where a Committee/Sub-Committee is convened to deal with a breach of a Licence Condition or any other similar matter the above procedure shall be reversed with Licensing Officer/Representative going first and having the final word.
- 6 Hearings will normally be conducted in Private. The Committee/Panel will always ask the parties, both the Applicant and Licensing Officer and any witnesses to withdraw while it discusses and makes its decision in private.

The decision will normally be announced in to the parties and transmitted in writing.