## Contact Information

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1. Introduction

1.1 Powers and Duties

1.1.1 The Licensing of hackney carriages dates back to 1847 and for private hire vehicle (outside London) to 1976.

1.1.2 The Local Government (Miscellaneous Provisions) Act 1976, as amended ('the 1976 Act') places on Oldham Council, as the Licensing Authority ('The Council'), the duty to carry out its licensing functions in respect of the hackney carriage and private hire trades.

1.1.3 In carrying out its regulatory functions relating to private hire and hackney carriage licensing, the Council will have regard to this policy document. Notwithstanding the existence of this policy, each application, or enforcement action, will be considered on its own merits.

1.1.4 This policy has been formed from a number of previous documents, combining them into one informative and comprehensive guide. It sets out the requirements and standards which are expected of all those involved in Oldham’s hackney carriage and private hire trades.

1.1.5 Applicants for licences are particularly encouraged to read the contents carefully.

1.2 Objectives

1.2.1 The Council has set the following objectives in relation to the licensing of the private hire and hackney carriage trades and aims to regulate the trades in order to promote these objectives:

- ensuring passengers have safe journeys at a transparent price;
- ensuring that vehicles are safe, accessible and reducing their impact on the environment;
- ensuring drivers are safe and know what they are doing; and
- the provision of a quality service to the public within the borough.
- the protection of children and vulnerable adults

1.3 Implementation

1.3.1 This policy shall take effect from 6th March 2018 in its revised form and the Council expects licence-holders to comply with its terms immediately.

1.3.2 The Council will keep this policy under review and will, where appropriate, consult on any proposed revisions.

1.3.3 From the effective date, this policy will override and supersede all existing policies in relation to hackney carriage and private hire licensing.

1.4 Partnership working

1.4.1 The Council will work in partnership with the following agencies to promote the policy objectives:

- local hackney carriage and private hire trades;
- private hire and hackney carriage trade associations;
- Greater Manchester Police;
- local residents;
- disability groups;
- service users;
- Vehicle Operator Services Agency (VOSA);
- HM Revenue and Customs;
- Department of Works and Pensions;
- Association of Greater Manchester Authorities (AGMA);
- other Council departments;

1.5 Licensing Profile

1.5.1 Hackney carriage and private hire vehicles are vehicle licensed to carry no more than 8 passengers, but may be licensed to carry less.

1.5.2 Hackney carriages may be used to ply for hire in the street, at ranks or stands and may take bookings over the telephone. Private hire vehicles must be booked in advance, by the customer, through a private hire operator; and can not be hailed in the street or stand at a rank.

1.5.3 Strictly speaking a ‘taxi’ is a licensed Hackney Carriage but in this policy, it is used more
informally, as are the expressions the ‘taxi trade’ and ‘taxi licensing’.

1.5.4 The Council currently licence 85 hackney carriage vehicles and approximately 1000 private hire vehicles as well as 39 private hire operators. It has approximately 1300 hackney carriage and private hire drivers.

1.6 Application Procedure

1.6.1 For specific details of the application procedures for any of the licences mentioned in this policy please visit the Licensing web pages at -

http://www.oldham.gov.uk/licensing

1.7 Timescales for Issuing Licences

1.7.1 Licences, identification plates and / or badges will be issued as soon as reasonably practicable. However, this may not be the same day as a valid application is submitted / accepted, and applicants licence holders should consult with the latest guidance for the current timescales for producing those licences, identification plates and / or badges.

2. Vehicles

2.1 Limitations of Numbers

2.1.1 No powers exist for licensing authorities to limit the number of private hire vehicles they licence.

2.1.2 In relation to hackney carriage vehicles, the current legal provision on quantity restrictions is set out in section 16 of the Transport Act 1985. This provides that the grant of a hackney carriage licence may be refused, for the purpose of limiting the number of licensed hackney carriage ‘if, but only if, the local authority is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet.’

2.1.3 The Council is satisfied that there is no significant unmet demand for the services of hackney carriages; therefore, the Council shall limit the number of hackney carriages it licences to 85. The Council will determine whether there is any significant unmet demand at regular intervals. An independent survey was last undertaken in 2014.

2.2 Exemptions from Control

2.2.1 The 1976 Act exempts the following vehicles from control under the Act: -

a) vehicles while being used in conjunction with a funeral or used wholly or mainly for the purpose of funerals by a funeral director;

b) vehicles while being used in connection with a wedding;

2.3 Vehicle Age Limits

2.3.1 The Authority operates an age policy in relation to the age at first licensing and the age at which a vehicle will no longer be licensed.

2.3.2 For both hackney carriage and private hire vehicles, saloon cars may be first licensed up to seven years of age. If the vehicle being first licensed is over five it must pass the Council’s vehicle compliance test first time and show proof of vehicle service by a VOSA garage within fourteen days of the Council vehicle test. They should come off the road for licensing purposes at twelve years of age.

2.3.3 Purpose built hackney carriages may be first licensed up to seven years of age but must come off the road for licensing purposes at age fourteen.

2.3.4 For highly adapted specialist vehicles, used predominantly for the transportation of severely disabled children or adults, it must be less than seven years old from the date of first registration on first licensing and it may not be relicensed or operate once the vehicle has reached fourteen years old from the date of first registration.

2.3.5 In relation to vehicles being used under contract on or before 28th January 2008 predominantly for the transportation of children and vulnerable adults, the Council accepts the date of first use under that contract as the applicable date of first licensing for the purposes of applying its age restriction policy – this means that standard vehicles first used under the contract when less than 4 years of age (6 years for highly adapted vehicles) may continue to be licensed as a private hire vehicle until they are 8 years of age (fourteen years for highly adapted vehicles).

2.3.6 For stretched limousine, the Council will not licence a vehicle under this definition unless it is
less than six years old from the date of first registration on first licensing and it may not be relicensed or operate once the vehicle has reached fourteen years old from the date of first registration.

2.3.7 In all cases if the vehicle has been previously licensed with the Council it may be re-licensed even if it falls outside the application criteria above. The vehicle will only be licensed until the age mentioned above and no longer.

2.3.8 If the vehicle has been licensed with another Council you may apply to licence it here above the lower age limit under the ‘transfer in’ scheme. The vehicle must pass the vehicle test first time and proof it has been serviced by a VOSA approved garage within 14 days prior to the Council test must be produced.

2.4 Vehicle Specification

2.4.1 Local licensing authorities have a wide range of discretion over the types of vehicle that they can licence as hackney carriage or private hire vehicles.

2.4.2 The Council have differing vehicle specifications for hackney carriage vehicles, private hire vehicles, stretched limousines and highly adapted vehicles. The following outline those specifications:

Private Hire

Vehicles may be a saloon, estate, hatch or a vehicle designed to carry no more than 8 passengers. No purpose-built taxi (i.e. FX4, Metro Cab) shall be used for private hire purposes.

All vehicles to have 4 doors and vehicles designed to carry up to 8 passengers to have at least two means of egress.

Access - passengers must have access to the vehicles rear seats without having to move or fold down any other passenger seat.

Egress – passengers must be able exit the vehicle, via the relevant means of egress, without having to move or fold down any other passenger seat.

All vehicles must be suitable to be licensed to carry at least 4 passengers.

Any private hire saloon vehicle, other than hackney carriage or public service vehicle, being first licensed by the Council or being changed for another vehicle must be of a colour other than white.

Hackney Carriage

Vehicles may be purpose built taxis or saloons, estates, hatchbacks or vehicles designed to carry no more than 8 and no less than 4 passengers (Purpose built taxis – i.e. FX4 Metro Cabs or Euro Taxis).

All hackney carriage vehicles, except purpose built taxis, to be white in colour. Purpose built taxis may be of manufacturers colour i.e. maroon, green, blue or black).

All vehicles to have four doors and vehicles designed to carry up to 8 passengers to have two means of egress.

Access - passengers must have access to the vehicles rear seats without having to move or fold down any other passenger seat.

Egress – passengers must be able exit the vehicle, via the relevant means of egress, without having to move or fold down any other passenger seat.

Stretched Limousines

A stretch limousine shall be required to have a Certificate of Single Vehicle Approval issued by the Vehicle and Operator Services Agency (VOSA) or another competent national authority of an EEA member state.

A stretch limousine shall be permitted to have left-hand drive, tinted glass in the passenger compartment (not the driver compartment)

A stretch limousine shall be fitted with tyres that meet both the size and weight specification for the vehicle as determined by VOSA.

The seating capacity of a stretch limousine shall not exceed eight passengers, excluding the driver’s seat and a front seat in the driver’s compartment, which must not be used for carrying passengers.

A stretch limousine shall only be licensed to carry up to eight passengers (an infant count as a
2.6.4 A private hire vehicle will then require two tests per year up to 8 years or up to 12 years of age for purpose built hackneys. Once a vehicle is 8 or 12 (according to the vehicle type above) and up to the maximum age limit it will require three tests per year. If a vehicle turns 8 or 12, during the current licensed period, it will not require 3 tests until its next renewal.

2.6.5 Appointments are given out in advance when a licence is collected from the Licensing Office. This is to ensure that appointments are equally proportioned and the system properly managed.

2.6.6 Failure to attend for a test without notification 48 hours in advance may result in a further payment for a test being charged.

2.6.7 Where the Council is not satisfied with the roadworthiness of a vehicle it may request an HPI check or require the vehicle to undergo an independent inspection and an ‘Autolign’ report produced at the cost of the applicant. This is to provide information and guidance relating to the proposed licensing of the vehicle.

2.6.8 Where vehicle fails its test and the vehicle tester is not satisfied as to the roadworthiness of the vehicle, the vehicle may be suspended by an Authorised officer of the Council.

2.6.9 Where a vehicle is suspended the identification plates must be removed and returned to the Council. The identification plates may be handed to an officer immediately upon suspension otherwise a notice will be placed over the plates and you will have 7 days to return them. Where a notice is placed on the plates the proprietor of the vehicle will be required to pay for new plates upon re-licensing the vehicle.

2.6.10 The Licensing Authority will issue a document outlining the criteria upon which a vehicle will be tested. This criteria does not form part of the policy document, although it may be referred to within it. The testing criteria may be subject to change during the duration of this policy, but such amendments may not result in a review of this policy.

2.6.11 Copies of the testing criteria can be obtained from the offices of the licensing section, or via the licensing web pages at www.oldham.gov.uk/licensing
2.7 Insurance Write Offs

2.7.1 On the 1st October 2017 the system insurance companies use to classify vehicle write offs changed. As a result of these changes the following table details how the Council, in its capacity as licensing authority, will deal with vehicles that have been written off by an insurance company.

<table>
<thead>
<tr>
<th>Categories (from 1.10.2017)</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>A - Scrap only</td>
<td>the Council will not licence, or re-licence, a vehicle that has been written off as ‘Category A’.</td>
</tr>
<tr>
<td>B - Break for parts</td>
<td>the Council will not licence, or re-licence, a vehicle that has been written off as ‘Category B’.</td>
</tr>
<tr>
<td>S - Structurally damaged but repairable</td>
<td>the Council will consider licensing, or re-licensing, a vehicle that has been written off as ‘Category S’. However, a vehicle will only be considered for a licence if it has passed an ‘Autolign’ inspection, and a satisfactory report / certificate produced.</td>
</tr>
<tr>
<td>N - Not structurally damaged, repairable</td>
<td>the Council will consider licensing, or re-licensing, a vehicle that has been written off as ‘Category N’. However, dependant on the information contained within the report by the insurance assessor, a vehicle may have to pass a ‘Autolign’ inspection, and a satisfactory report / certificate produced before it is considered for a licence.</td>
</tr>
</tbody>
</table>

2.7.2 It is likely that the Council will continue, for the foreseeable future, to receive requests to licence, or re-licence, vehicles that were written off under the system in place prior to 1st October 2017. As such, the following table details how the Council will deal with vehicles that have were written off by an insurance company under the old system.

<table>
<thead>
<tr>
<th>Categories (from 1.10.2017)</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>the Council will not licence, or re-licence, a vehicle that has been written off as ‘Category A’.</td>
</tr>
<tr>
<td>B</td>
<td>the Council will not licence, or re-licence, a vehicle that has been written off as ‘Category B’.</td>
</tr>
<tr>
<td>C</td>
<td>the Council will consider licensing, or re-licensing, a vehicle that has been written off as ‘Category C’. However, a vehicle will only be considered for a licence if it has passed an ‘Autolign’ inspection, and a satisfactory report / certificate produced.</td>
</tr>
<tr>
<td>D</td>
<td>the Council will consider licensing, or re-licensing, a vehicle that has been written off as ‘Category D’. However, dependant on the information contained within the report by the insurance assessor, a vehicle may have to pass a ‘Autolign’ inspection, and a satisfactory report / certificate produced before it is considered for a licence.</td>
</tr>
</tbody>
</table>
2.8 Accidents

2.8.1 In accordance with section 50 (3) of the 1976 Act, the proprietor of a hackney carriage or a private hire vehicle shall report to the Authority as soon as reasonably practicable and in any case within seventy-two hours any accident causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of passengers.

2.8.2 Following the reporting of an accident the Authorised officer will examine the vehicle to ascertain its fitness to be a licensed vehicle.

2.8.3 Where the officer is not satisfied as to the fitness of the vehicle the officer may suspend it from use under s68 of the Local Government (Miscellaneous Provisions) Act 1976. In order to ascertain its fitness, the authorised officer may require the vehicle to be examined by the Councils vehicle testers, located at the Councils Moorhey Street Depot.

2.8.4 Where a vehicle is suspended the identification plates must be removed and returned to the Council. The identification plates may be handed to an officer immediately upon suspension otherwise a notice will be placed over the plates and you will have 7 days to return them. Where a notice is placed on the plates the proprietor of the vehicle will be required to pay for new plates upon re-licensing the vehicle.

2.8.5 If an officer is not satisfied as to the fitness of the vehicle before the expiration of a period of two months from this suspension, the vehicle licence shall be deemed to have been revoked and a new licence would have to be applied for if wanting to re-licence the vehicle.

2.9 Signage and Advertising

2.9.1 It is important that the public are be able to identify and understand the difference between a hackney carriage and a private hire vehicle.

2.9.2 Private hire vehicles shall not be permitted to display roof-mounted signs and any signs that include the words ‘taxi’ or ‘cab’ or ‘for hire’.

2.9.3 Vehicle identification plates are a key feature in helping to identify vehicles that are properly licensed. With the exception of stretched limousines and highly adapted vehicles, all other licensed vehicles shall display the identification plates on both the front and rear of the vehicle.

2.9.4 All private hire vehicles must display a mandatory door sign containing the words ‘Advance Bookings Only’. The design of such sign must also include the name and telephone number of the private hire company and the words ‘Private Hire’. All signs must be a minimum size of 600mm x 200mm.

2.9.5 The words "Advance Bookings Only" shall be in block capitals coloured black on a yellow background strip and each letter shall be not less than 60mm (in height) x 6mm (in thickness). All other individual lettering shall not exceed 50mm (in height) x 5mm (in thickness) but may be of any other colour. The background of any other lettering must be a different colour to the background of the ‘Advance booking’ strip.

2.9.6 The mandatory door signs shall be permanently affixed to the top half of the door panels by way of adhesive rather than magnetic means. Such signs are to be displayed at all times whilst the vehicle is licensed.

2.9.7 Hackney carriage vehicles must display a mandatory door sign which must be affixed by way of adhesive rather than by way of magnetic means, to the upper door panels of both front doors at all times whilst the vehicle is licensed. Such signs must include the word ‘TAXI’ and the name of the Council together with its specified logo.

2.9.8 All non-purpose built hackney carriage vehicles must display a roof sign of the following design showing white to the front and red to the rear, of size 90cm x 15cm x 15cm high.

2.9.9 The Council, by way of conditions, restricts the advertising that can be placed on any licensed vehicle. For further details regarding these restrictions please refer to the relevant appendices.

2.10 Bye-Laws

2.10.1 The Council has made Byelaws under the 1847 Act which apply to hackney carriages. Some of the byelaws have been modified by the 1976 Act. See Appendix E
2.11 Duration of Licences

2.11.1 Vehicles will be licensed for a period of 12 months. Renewal of the licence will be subject to the vehicle undertaking and passing a further test at the appointed test station.

2.12 Ownership of Multiple Vehicles

2.12.1 There is no limit on the number of vehicle licences an individual can hold.

2.13 Security Cameras / Audio Recording Equipment in Vehicles

2.13.1 Security cameras are permissible in vehicles subject to certain safeguards. In addition, there are limited circumstances in which audio recording may be justified, for example, where recording is triggered due to a specific threat, e.g. a ‘panic button’ in a taxi cab.

2.13.2 Equipment should not be used to record conversations between members of the public. If possible a system without this facility should be used. If your system comes equipped with a sound recording facility then you should turn this off or disable it in some other way.

2.13.3 No vehicle equipped with a security camera, and / or audio recording facilities, shall be used unless the existence of the camera and / or audio recording is clearly indicated by a notice displayed.

2.13.4 The Council recognises the sensitive nature of security surveillance in general but also recognises the legitimate concerns of licensed drivers. Equipment should be available to be inspected and images downloaded by Authorised Officer or Constable.

2.14 Smoking

2.14.1 It is an offence to smoke or allow another person to smoke in a licensed vehicle at any time when it is a licensed vehicle. This applies even if you are not working.

2.14.2 The use of e-cigarettes and / or vaping in a licensed vehicle by the driver and / or passenger(s) is not permitted.

2.15 Style of Plates and Badges

2.15.1 The style of plates and badges is likely to change from time to time. The Authority will keep up to date with new developments and current Health & Safety best practice, image, value for money and recognition will always be a high priority.

2.15.2 Plates, window discs and badges must be displayed/worn at all times.

2.15.3 The Council has specified that the vehicle licence number, make, model and licence expiry date, together with the number of passengers it is licensed to carry shall be placed on the vehicle identification plate. This identification plate must not be tampered with, or amended by, anyone other than an authorised officer.

2.16 Transfer of Owner

2.16.1 Should a vehicle be sold to a new owner the existing licence holder must notify the Authority within 14 days. Failure to do so renders the licence holder liable for prosecution.

2.17 Conditions

2.17.1 The Council is permitted to impose such conditions, as it considers reasonably necessary, on hackney carriage and private hire vehicles licences. Appendix A sets out the conditions attached to private hire vehicle licences and Appendix B sets out the conditions attached to hackney carriage vehicle licences.

2.17.2 The conditions at Appendix A and Appendix B do not form part of the policy document, although they may be referred to within it. These conditions could be subject to change during the duration of this policy, but such amendments may not result in a review of this policy.

2.17.3 The Council in its absolute discretion may vary the licence conditions for any Proprietor who is a member of an Accredited Membership Scheme.

2.17.4 All licensed operators will be audited against the criteria set out in the Council’s star rating scheme. Membership is mandatory.

2.18 LPG & Electric Vehicles

2.18.1 The Council’s testing station at Moorhey Street does not currently have the facilities to test the fuel systems of LPG and Electric Cars, therefore...
the proprietor of such vehicles must obtain the relevant certificates from a VOSA approved testing station.

2.19 Carrying of Assistance Dogs

2.19.1 Under the Equality Act 2010, licensed drivers of taxis and private hire vehicles are under a duty to carry passengers with guide, hearing and other assistance dogs without additional charge. When carrying such passengers, drivers have a duty to:

2.19.2 Convey the disabled passenger’s dog and allow it to remain under the physical control of the owner; and

2.19.3 Not to make any additional charge for doing so.

2.19.4 It is best practice to ask the passenger where they want themselves and their dog to sit in the vehicle.

2.20 Enforcement

2.20.1 Under the Equality Act 2010, it is an offence for any operator or driver to refuse to carry assistance dogs or to charge more for the fare or booking. On conviction for such an offence, drivers can be fined up to £1,000 and have their licence removed.

2.20.2 To ensure that the Equality Act 2010 is upheld, the Licensing Authority will:

a) Have a zero-tolerance policy to access refusals - investigating all reported violations of the Act with a view to pursuing a conviction.

b) Undertake periodic test purchasing with assistance dog owners on licensed vehicles to ensure that licensing requirements are being complied with.

c) Make it a condition of taxi and private hire vehicle drivers licences that they have undertaken disability equality training, which includes information regarding the carriage of assistance dogs.

2.21 Medical Exemption Certificates

2.21.1 Drivers who have a certifiable medical condition which is aggravated by exposure to dogs may apply to the council for exemption from the duty on medical grounds. If no exemption has been applied for and subsequently granted, then drivers are still required to carry assistance dogs.

2.21.2 The Licencing Authority will:

a) Make it a condition to the licence that the notice of exemption must be exhibited in the vehicle by fixing it in an easily accessible place, for example on the windscreen or in a prominent position on the dashboard.

b) Seek to use tactile medical exemption certificates so that guide dog owners are able to identify the certificate, which should be presented to the guide dog owner upon request; with the cost of this certificate being borne by the driver being granted the exemption.

c) Only issue an exemption certificate when it is authorised by the driver’s GP and is accompanied by medical evidence, for example a blood test, a skin prick test or clinical history.
3. Drivers

3.1 Parallel Procedures

3.1.1 The statutory and practical criteria; and qualifications for private hire and hackney carriage drivers licences are similar. Therefore, the sections below, apply equally to hackney carriage and private hire drivers unless indicated.

3.2 Convictions and Additional Information

3.2.1 The Council will not grant a licence unless it is satisfied that the applicant is fit and proper.

3.2.2 Criminal offences are checked through the Disclosure & Barring Service. The Council requires applicants for driver licences to disclose all convictions whether spent or not; and in addition, disclose any fixed penalties, cautions, bind-overs or anti social behaviour orders. Other applicants need only declare unspent convictions etc.

3.2.3 A DBS check must be undertaken every 3 years. This is subject to the private hire or hackney carriage driver holding a continuous private hire / hackney carriage driver’s licence, with out any break in the licensed period.

3.2.4 Where an applicant has not resided in the United Kingdom continually, the Council may direct the applicant to obtain a Certificate of Good conduct authenticated and translated into English by the relevant Embassy or Consulate in order to assess suitability and review any previous convictions.

3.2.5 The Council at its absolute discretion may undertake such checks, deemed relevant and necessary, on the suitability of applicants. This may include, but is not limited to, DVLA, Motor Insurers and other agencies, partners and Councils. It may also enquiry with the UK Border Agency as to an applicant’s right to work in the UK.

3.2.6 Other information such as previous conduct and arrests may also be taken into account when making a decision on an application.

3.2.7 A copy of the Councils guidance on the suitability of applicants can be obtained from the Licensing Office.

3.3 Drivers Tests

3.3.1 Applicants must pass a Driving Standards driven test to assess your driving ability. Please go to www.oldham.gov.uk/licensing for more information on how to book and pay.

3.3.2 The second stage is that applicants will book in for the written test which contains 30 questions which will comprise of the following:

   - Section A
     15 questions on conditions, use of an A-Z, Maths questions and Child Sexual Exploitation

   - Section B
     15 questions on destinations

3.3.3 To successfully pass the test applicants must get at least 10 questions correct in each of the two sections.

3.3.4 The test will last one hour.

3.3.5 A list of destinations that Officers will use for the written tests is available for the licensing reception or online.

3.3.6 If an applicant fails eight attempts at the test paper they will be referred to the Trading Standards & Licensing Manager who will consider refusing their application.

3.3.7 If an existing licence lapses and is not renewed the applicant will have to demonstrate his/her knowledge of conditions if a licence has been in force in the last six months. Outside this time a full test will be conducted.

3.4 Applications taking longer than 6 months

3.4.1 Where a ‘new’ application is submitted for a dual drivers licence and that licence is not granted within 6-months from the date of the DBS certificate, then a new DBS will have to be applied for and returned before a licence can be granted.

3.5 Duration of Licences

3.5.1 From October 2015 Driver’s licences are to be granted for a period of up-to 3 years. There may
be circumstances where a licence cannot be issued for 3 years this may include:

- The applicant is due to retire or cease being a licensed driver;
- The driver is being given a trial following a hearing/assessment of their fitness to hold a licence;
- In the case of a situation where the licence is not in sync with the DBS certificate a licence may be granted until the end of the 3-year term of the current DBS certificate.
- Other cases that may arise from time to time that the Licensing Panel or Trading Standards and Licensing Manager feel requires a licence to be issued for a period of less than 3 years.

3.5.2 A short term, without prejudice, licence may be issued to an existing licensed driver, where that driver’s licence expires before their next DBS is due. This short term, without prejudice, licence will expire when the existing DBS expires.

3.6 Medical Standards

3.6.1 The Council has adopted the Group 2 licence medical standard for licensed drivers.

3.6.2 The medical certificate required by the Council requests medical practitioners to have regard to the guidelines issued by the DVLA on fitness to drive.

3.6.3 Medical certificates must be issued by the applicant’s own general practitioner or by a doctor in the same practice who has access to the applicant’s records. This rule is designed to ensure that full disclosure is made of the applicant’s medical condition.

3.7 Seat Belts – Driver Exemption

3.7.1 Generally speaking, every person driving a motor vehicle must wear a seat belt. However, this requirement does not apply to:

- The driver of a Hackney Carriage while it is being used for seeking hire or answering a call for hire, or carrying a passenger for hire;
- A Private Hire Driver while he/she is using a Private Hire Vehicle to carry passengers for hire.

3.8 Conditions

3.8.1 The Council is permitted to impose such conditions, as it considers reasonably necessary, on private hire drivers Appendix C sets out the conditions attached to private hire drivers licences.

3.8.2 The conditions at Appendix C do not form part of the policy document, although they may be referred to within it. These conditions could be subject to change during the duration of this policy, but such amendments may not result in a review of this policy.

3.8.3 The Council in its absolute discretion may vary the licence conditions for any driver who is a member of an Accredited Membership Scheme.

3.9 Online Applications

3.9.1 Online applications must now be made via the main licensing webpages: - www.oldham.gov.uk/licensing

3.9.2 If you are an existing licence holder please contact the licensing team to obtain a registration code.

3.9.3 Guidance on applying for a licence online can be found on the main licensing webpages at: - www.oldham.gov.uk/licensing
4. Operators

4.1 Operators

4.1.1 Operators of private hire vehicles are required to be licensed under the 1976 Act. No person may operate a vehicle as a private hire vehicle if the vehicle or the driver is unlicensed. “Operate” means, in the course of business, to make provision for the invitation or acceptance of bookings for a private hire vehicle.

4.1.2 The Council must grant an operators licence unless the applicant is not a fit and proper person to hold one.

4.2 Conditions

4.2.1 The Council is permitted to impose such conditions, as it considers reasonably necessary, on private hire operators Appendix D sets out the conditions attached to private hire operator licences.

4.2.2 The conditions at Appendix D do not form part of the policy document, although they may be referred to within it. These conditions could be subject to change during the duration of this policy, but such amendments may not result in a review of this policy.

4.2.3 The Council in its absolute discretion may vary the licence conditions for any operator who is a member of an Accredited Membership Scheme.

4.3 Duration of Licences

4.3.1 Operator licences are granted for 5 years, unless circumstances dictate it should be granted for a lesser period.

4.4 Insurance

4.4.1 As a private hire operator you may be required to obtain ‘public liability’ insurance and / or ‘employee’ liability insurance. You should seek advice from the Authority as to whether you do require such insurance.

4.5 Basic Disclosure – Base / Office Staff

4.5.1 The operator must ensure all base staff are subject to a ‘Basic’ Criminal Records Check, conducted by the Disclosure Barring Service. This requirement will not apply to base staff that hold a current dual drivers licence with Oldham Council.

4.5.2 Such checks will need to be carried before initial employment commences and then every three years thereafter.

4.5.3 For existing staff already in employment at the time this policy came into effect, checks will need to be carried out within 3-months of commencement of this policy and then every three years thereafter.

4.6 Recruitment Policy

4.6.1 Operators’ must have a ‘recruitment policy’ in place for all base / office staff. This policy, should at a minimum, include how the operator will implement the requirements to obtain a DBS for non-licensed base staff and on what grounds employment may be refused or terminated.

4.7 CSE & Licensing Training

4.7.1 All base / office staff will be required to attend the Council’s CSE and Licensing Training Course.

5. Enforcement

5.1 Authorised Officers

5.1.1 ‘Authorised Officers’ are officers appointed by the Council to fulfil duties and carry out licensing functions on its behalf.

5.1.2 The 1976 Act defines as “authorised officer” as “an officer of a district council authorised in writing by the Council for the purposes of this Part of the Act”. Authorised Officers have the right to do the following:

- require drivers to produce licences and insurance certificates;
- require operators to produce records;
- to remove plates and discs from vehicles;
- to inspect and test vehicles;
- suspend Vehicles from use;
5.1.3 Obstruction of authorised officers is a criminal offence.

5.1.4 The Council employs Licensing Officers who have the authority to exercise the powers set out in the 1847 and 1976 Acts.

5.2 Complaints

5.2.1 Should a complaint be received about a driver, operator or vehicle proprietor will be investigated fully. Ideally complaints should be put in writing.

5.3 Enforcement

5.3.1 Many rules and regulations apply to the taxi licensing and a system of enforcement exists to oversee the process.

5.3.2 If a criminal offence is committed prosecutions may be brought by either the Council, or the Police.

6. Offences

6.1 Criminal Offences

6.1.1 There are several specific offences that apply to the hackney carriage and private hire trades. The 1847 Act and Bye-laws made under it together with the 1976 Act all have offences contained in them and are the ones to be aware of. Copies of the above-mentioned Acts are available on request or can be downloaded from our website. Copies of the offences can be viewed at Appendix F.

6.1.2 In addition, all those concerned with the private hire and hackney carriage trades should make themselves aware of the relevant provisions of the Road Traffic Act 1988 e.g. speeding, traffic signs, insurance and defective vehicles.

6.2 Driving Whilst Unlicensed

6.2.1 It is very important to note that offences can be committed by the driving of a Hackney Carriage or Private Hire Vehicle by un-licensed drivers.

6.2.2 Hackney Carriage and Private Hire Vehicles remain licensed at all times they have a licence in force and cannot be driven otherwise than by the appropriate driver. This extends to any unlicensed driver including members of the family of the licensed driver.

6.2.3 Contravention of this rule may also result in the offence of driving whilst un-insured (an/or) permitting another to drive while uninsured.

6.3 Rights of Appeal

6.3.1 Any person aggrieved by a requirement, refusal, or other decision of a decision of the Council, including authorised officers, may appeal to Oldham Magistrates’ Court.

6.3.2 The 1976 Act makes special provisions relation to rights of appeal. Certain decisions in relation to applications being refused etc are suspended until the 21-day appeal period has expired and if an appeal is lodged until such appeal is disposed of. On public safety grounds certain decisions may take immediate effect. There are also further rights of appeal to the Crown Court under the Public Health Act 1936.

7. Delegated Powers

7.1 Delegation Scheme

7.1.1 The Council cannot take all decisions directly or through its Committees. An Executive Director is authorised to take all action on behalf of the Council that are not specifically reserved to the Council or a Committee. The Executive Director can then further delegate functions to Officers who carry out the daily tasks and actions under that authority.

8. Fares

8.1 General

8.1.1 The Council is not able to set the fares for private hire vehicles; this is a matter for the operator of the firm the vehicle works from.

8.1.2 In relation to hackney carriage vehicles, the ‘Hackney carriage Table of Fares’ is set by the Council and are a maximum fare that can be charged by hackney carriage drivers, which can be negotiated downwards, by the hirer, for journeys within the Borough.
9. Fees

9.1 Fees

9.1.1 The Council is entitled to charge fees in respect of the various licences it administers and legislation provides that the fees charged to applicants should cover the cost of application and administration; and in relation to vehicles this extends to inspection, creation/maintenance of hackney stands, administration and enforcement and training.

9.1.2 Licences surrendered prior to their expiry shall not be eligible for a refund of the unexpired portion of the licence.

9.1.3 Fees are normally reviewed annually in accordance with Council policy.

10. Hackney Carriage Stands

10.1 Taxi Ranks

10.1.1 The purpose of hackney carriage stands (taxi ranks) is to provide the public with a set location at which they can hire a licensed hackney carriage. Only Hackney Carriages licensed by Oldham Council can stand on a taxi rank or stand as they are sometimes referred to. A list of ranks is available on our web page.

10.1.2 There is an obligation on drivers when plying for hire in any street and not actually hired to proceed to one of the ranks designated under the 1976 Act. The 1847 Act defines a street as extending to any "road, square, court, alley and thoroughfare, or public passage". Land will only be a street if the public have a right to be there.

11. Public Registers

11.1 Registers

11.1.1 The Council is required by the 1847 Act to maintain a register of licences it issues. These and other information can be viewed on our web page.
Appendix A

Private Hire Vehicle Conditions

1. Definitions

For a legal definition of these terms, see the Local Government (Miscellaneous Provisions) Act 1976.

“Accredited Membership Scheme” membership of a reward and recognition scheme aimed at promoting high standards for licensed drivers vehicle owners and operators approved by the Council

“Appointed Test Station” a garage approved by the Council for the purposes of carrying out a Test

"Authorised Officer" any Officer of the Council authorised in writing by the Council for the purposes of the Local Government (Miscellaneous Provisions) Act 1976

"The Council" Oldham Borough Council

"Identification Plates" means the plates issued by the Council for the purpose of identifying the vehicle as a private hire vehicle

"The Licensee" means the licensed driver of a private hire vehicle

"The Operator" a person who takes bookings for the vehicle

"The Private Hire Vehicle" a motor vehicle constructed to seat fewer than nine passengers, other than a hackney carriage or public service vehicle which is provided for hire with the services of a driver for the purpose of carrying passengers

"The Proprietor" means the person who owns the vehicle

"The Taximeter" means any device for calculating the fare to be charged in respect of any journey in a private hire vehicle by reference to the distance travelled or time elapsed since the start of the journey or a combination of both

“Test” a compliance test of the vehicle undertaken at an Appointed Test Station

“Highly adapted specialist vehicle’ means any vehicle that has been modified or Vehicle adapted to meet the specific needs of a wheelchair user or a user of other specialist mobility equipment and/or their carer/escort

“Stretched Limousine” means any motor vehicle that has been lengthened by the insertion of an additional body section and modified by a coach builder to contain luxury facilities and fixtures and:

- that is capable of carrying up to but not exceeding eight passengers;
- that prior to the introduction of this policy could not currently be licensed by the Council as a private hire vehicle; and
- that is not a decommissioned military or emergency service vehicle;

2. Identification Plates

2.1 The vehicle identification plates must be displayed in the authorised plate holder, obtained from the Licensing Office; and the plate should be fixed in the plate holder using the clips provided, so as to allow them to be easily removed by an authorised officer. The plate holder should be fixed to the vehicle in such a way that neither it, nor the number plate are obscured; and that both are 100% visible. Cable ties are not an acceptable means of fixing plates to a vehicle or indeed to the plate holder.

2.2 The Council has specified that the vehicle licence number, make, model and licence expiry date together with the number of passengers it is licensed to carry shall be placed on the vehicle plate attached to the vehicle. This plate must not be tampered with or amended by anybody other than an Authorised Officer.
3. **Condition of Vehicle**

3.1 The Proprietor shall ensure that the private hire vehicle shall be maintained in a sound mechanical and structural condition at all times and be capable of satisfying the Council’s mechanical and structural inspection at any time during the continuance of the Council’s licence in respect of the vehicle.

3.2 The interior and exterior of the Private Hire Vehicle shall be kept in a clean and safe condition by the Proprietor.

3.3 The Proprietor shall not allow the mechanical and structural specification of the Private Hire Vehicle to be varied without the consent of the Council.

3.4 The Proprietor of the Private Hire Vehicle shall:
- provide sufficient means by which any person in the Private Hire Vehicle may communicate with the driver during the course of the hiring;
- cause the interior of the vehicle to be kept wind and water tight;
- provide any necessary windows and means of opening and closing with not less than one window on each side of the passenger compartment;
- cause the seats in the passenger compartment to be properly cushioned and covered;
- cause the floor in the passenger compartment to be provided with a proper carpet, mat or other suitable covering;
- cause fittings and furniture of the Private Hire Vehicle to be kept in a clean condition and well maintained and in every way fit and safe for public use;
- provide facilities for the conveyance of luggage safely and protected from inclement weather;
- The Proprietor shall provide and maintain an efficient fire extinguisher in the vehicle to the current standard in accordance with the reasonable instructions of an Authorised Officer
- The proprietor shall provide and maintain in the vehicle a first aid kit containing such materials and equipment as may be specified from time to time by an Authorised Officer

3.5 All vehicles must undertake and pass a further Test at the Appointed Test Station in accordance with Council policy (Arrangements for vehicle testing are entirely the responsibility of the Proprietor).

4. **Accidents**

4.1 The proprietor of a private hire vehicle shall report to the Authority, in writing, as soon as is reasonably practicable and in any case within seventy-two hours any accident causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of passengers.

5. **Advertisements**

5.1 No sign, notice or advertisement shall be displayed on the exterior of a Private Hire Vehicle.

5.2 Advertisements, which do not have the intention of being seen from outside the vehicle, may be placed on the inside of a vehicle working for a company who are rated as three or four stars. Such advertisements shall comply with the Advertising Standards Authority Codes of Practice and those of the Portman Group relating to alcohol advertising. Officers may instruct the vehicle owner to remove an advertisement if it does not comply with this condition. Should the number of stars be reduced during the period of any advertising contract such advertisement may remain until the end of such contract. Contracts should not be entered into for any more than twelve months at a time.

5.3 This condition shall not prohibit a sign which shall not be illuminated on either or both front door panels and/or the front windscreen and/or the rear window of the vehicle stating only the name of the Private Hire Operator with or without the addition of the words “private hire” and a telephone number.
5.4 A notice of a size approved by the Council specifying the number of stars awarded to the Private Hire Vehicle Proprietor’s operating company will be permanently displayed and affixed on each of the rear doors of the vehicle.

5.5 In particular and without prejudice to the generality of Condition 5.1 hereof, there shall not be displayed in, on or from the Private Hire Vehicle any sign or notice which consists of or includes the word “Taxi” or “Cab” whether in the singular or plural of the words “For Hire” or any word or words of similar meaning or appearance, whether alone or as part of another word or phrase, or any other word or words likely to cause a person to believe that the vehicle is a hackney carriage.

5.6 All Private Hire Vehicles must display a mandatory door sign containing the words "Advance Bookings Only". The design of such sign must also include the name and telephone number of the private hire company and the words Private Hire. All signs must be a minimum size of 600mm x 200mm.

5.7 The words "Advance Bookings Only" shall be in block capitals coloured black on a yellow background strip and each letter shall be not less than 60mm (in height) x 6mm (in thickness). All other individual lettering shall not exceed 50mm (in height) x 5mm (in thickness) but may be of any other colour. The background of any other lettering must be a different colour to the background of the ‘Advance booking’ strip.

5.8 The mandatory door signs shall be permanently affixed to the top half of the front door panels by way of adhesive rather than magnetic means. Such signs are to be displayed at all times whilst such vehicle has current identification Plates affixed.

5.9 Conditions on advertisements may be modified or relaxed on a temporary basis by the Executive Director, Economy Place and Skills in consultation with the relevant Cabinet Member.

6. Passengers

6.1 The Proprietor shall not permit the Private Hire Vehicle to be used to carry a greater number of passengers than the number prescribed in the licence.

6.2 The Proprietor shall not allow any child under the age of ten years to be conveyed in the front of the Private Hire Vehicle.

6.3 The Proprietor shall only allow one passenger to be conveyed in the front of the vehicle beside the driver.

7. Animals

7.1 The Proprietor shall not permit any animal to ride in the vehicle except in the custody or control of the hirer and which shall be conveyed in the rear of the vehicle, other than a guide or hearing dog in the custody or control of the hirer being a visually or audibly impaired person which then may be conveyed in the well of the front passenger seat of saloon cars.

8. Taximeter

8.1 If the vehicle is fitted with a Taximeter:

- the Proprietor shall cause the Taximeter to be of a type approved by the Council and to be maintained in a sound mechanical condition at all times and for it to be located within the vehicle in accordance with the reasonable instructions of an Authorised Officer of the Council;

- the Proprietor shall cause the Taximeter to be set to display the fare table displayed in the vehicle;

- the Proprietor shall not use or permit to be used a Taximeter that the Council has not sealed to prevent unauthorised adjustment thereof;

- the Proprietor shall cause the Taximeter to be fitted with a key to bring the machinery into action and cause the word “HIRED” to appear on the face of the meter when a hiring commences;

- the Proprietor shall ensure that when the vehicle is not hired the key is locked and machinery kept inactive and the meter must show no fare at that time;
• the Proprietor shall ensure that the meter shall not display a “FOR HIRE” sign at any time;

• the Proprietor shall ensure that when the Taximeter is brought into action the fare and extras are shown legibly on the face of the meter and are no more than permitted by the tariff displayed in the vehicle;

• the Proprietor shall ensure that the words “FARE” shall be printed on the face of the meter in clear letters so as to apply to the fare recorded thereon;

• the Proprietor shall ensure that the Taximeter is in such a position in the vehicle that figures recorded thereon are clearly visible to any passenger being carried therein;

• the Proprietor shall ensure that the Taximeter and all its fittings are affixed to the vehicle with seals or by other means so that it shall not be practicable for any person to tamper with the meter except by breaking or damaging or permanently displacing the seals and other fittings;

• the Proprietor shall ensure that the Taximeter is not replaced without prior permission of the Council;

9. Fare Tables

9.1 The Proprietor shall ensure that a current copy of the fare table is exhibited inside the private hire vehicle at all times.

9.2 The Proprietor shall ensure that the fare table is not concealed from view or rendered illegible whilst the vehicle is being used for hire.

10. Licence

10.1 The Proprietor shall retain a copy of the original private hire vehicle drivers licences of all drivers driving the private hire vehicle and produce the same to an Authorised Officer or Constable on request.

11. Two Way Radio

11.1 The Proprietor shall ensure that any radio equipment fitted to the private hire vehicle is at all times kept in a safe and sound condition and maintained in proper working order.

12. Convictions

12.1 The Proprietor shall notify the Council in writing of any conviction, caution, fixed penalty (inc road traffic offence)] anti social behaviour order or bind over against him/her immediately after the caution, fixed penalty, anti social behaviour order or bind over has been issued or the conviction and sentence imposed and shall provide such further information about the caution, fixed penalty, anti social behaviour order or bind over as the Council may require.

13. Notification of Transfer

13.1 The Proprietor shall notify the Council in writing within 14 days of any transfer of the interest in the vehicle.

14. Notification of Change of Address

14.1 The Proprietor shall give notice in writing to the Council of any change of his/her address during the period of the licence within 14 days of such change taking place.

15. Highly Adapted Specialist Vehicles

15.1 In relation to vehicles to be used solely under a contract lasting not less than 7 days, the requirement for a mandatory door sign and front and rear private hire licence plates is replaced with a requirement the vehicle displays a mandatory licence disc, issued by the Council, in the upper nearside corner of the windscreen and be clearly on display within the vehicle such that passengers can view it.

15.2 Advertising of the Operator’s services on the exterior of the vehicle must be approved in advance by an Authorised Officer.

16. Stretch limousines

16.1 A stretch limousine shall carry up to eight passengers only (an infant count as a passenger regardless of age) and any advertisements placed
for the services of the limousine shall state that it is restricted to carrying a maximum of eight passengers.

16.2 The front seat in the driver’s compartment must not be used for carrying passengers.

16.3 All seatbelt requirements in the Road Vehicles (Construction and Use) Regulations 1986 as amended must be complied with.

16.4 Where an Operator proposes to provide entertainment media in a stretch limousine the Operator must hold the relevant performing rights licence; where the vehicle is stationary the Operator must hold the appropriate licence under the Licensing Act 2003; and any entertainment provided must be of a suitable age classification to the passengers in the vehicle.

16.5 Where alcohol is to be provided in a stretch limousine, it must be in accordance with the appropriate licences under the Licensing Act 2003; it must only be provided when the vehicle is stationary; it must be secured in an appropriate receptacle when the vehicle is moving; it must be removed from the passenger compartment of the vehicle at any time when persons under the age of 18 are carried as passengers; and any glassware contained within the vehicle for the consumption of drinks must be shatterproof glass or plastic.

16.6 For the purposes of a stretch limousine, the requirement for a mandatory door sign and front and rear private hire licence plates is replaced with a requirement that the vehicle displays the mandatory licence disc, issued by the Council, in the upper nearside corner of the windscreen and a further mandatory licence disc be clearly on display within the passenger compartment of the vehicle so that passengers can view it.

17. Notification of who is driving the Vehicle

17.1 Where you hire / lend / lease / rent your vehicle to another licensed driver, you must within 24 hours, or if on a weekend / bank holiday the next working day, provide, in writing to the licensing section the following information: -

- The name of the driver and their badge number;
- The address of the driver;
- The company for whom the driver works for;
- The date and time you hired / lent / leased / rented your vehicle to the driver;
- Whose insurance the driver will be using the vehicle under;
- Whether the driver will have sole use of the vehicle; if not sole use whom else will have access to the vehicle;
- The expected duration the vehicle will be hired / lent / leased / rented to the driver;

17.2 Where the driver to whom you have hired / lent / leased / rented your vehicle to, returns the vehicle and no longer wishes to hire / borrow / lease / rent the vehicle, you must within 24 hours, or if on a weekend / bank holiday the next working day, provide in writing to the licensing section the following information: -

- The date and time upon which the vehicle was returned to your possession;
Appendix B

Hackney Carriage Vehicle Conditions

1. Definitions

“Accredited Membership Scheme membership of a reward and recognition scheme aimed at promoting high standards for licensed driver’s vehicle owners and operators approved by the Council

“Appointed Test Station” a garage approved by the Council for the purposes of carrying out a Test

"Authorised Officer” any Officer of the Council authorised in writing by the Council for the purposes of the Local Government (Miscellaneous Provisions) Act 1976

"The Council” the Council of the Metropolitan Borough of Oldham

"Hackney Carriage" has the same meaning as in the Town Police Clauses Act 1847

"The Identification Plates" the plates issued by the Council for the purpose of identifying the vehicle as a hackney carriage

"The Proprietor" includes a part-time proprietor and in relation to a vehicle which is the subject of a hiring agreement or hire-purchase agreement, means the person in possession of the vehicle under that agreement

"Taximeter” any device for calculating the fare to be charged in respect of any journey in a hackney carriage or private hire vehicle by reference to the distance travelled or time elapsed since the start of the journey, or combination of both

“Test” a compliance test of the vehicle undertaken at an Appointed Test Station

2. Identification Plates

2.1 The vehicle identification plates must be displayed in the authorised plate holder, obtained from the Licensing Office; and that the plate should be fixed in the plate holder using the clips provided so as to allow them to be easily removed by an authorised officer. The plate holder should be fixed to the vehicle in such a way that neither it nor the number plate are obscured; and that both are 100% visible. Cable ties are not an acceptable means of fixing plates to a vehicle or indeed to the plate holder.

2.2 The council has specified that the vehicle licence number, make, model and licence expiry date together with the number of passengers it is licensed to carry shall be placed on the vehicle plate attached to the vehicle. This plate must not be tampered with or amended by anybody other than an Authorised Officer.

3. Condition of Vehicle

3.1 The Proprietor shall ensure that the Hackney Carriage is maintained in a sound mechanical and structural condition at all times and be capable of satisfying the Council's mechanical and structural inspection at any time during the continuance of the Council's licence in respect of the vehicle.

3.2 The interior and exterior of the Hackney Carriage shall be kept in a clean condition by the Proprietor.

4. Accidents

4.1 The proprietor of a hackney carriage vehicle shall report to the Authority, in writing, as soon as is reasonably practicable and in any case within seventy-two hours any accident causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of passengers.

5. Fire Extinguisher / First Aid

5.1 The Proprietor shall

- provide and maintain an efficient fire extinguisher to the current standard in accordance with the reasonable instructions of an Authorised Officer
• provide and maintain a first aid kit containing such materials and equipment as may be specified from time to time by an Authorised Officer

6. Advertisements

6.1 The Proprietor of a three or four star rated firm/proprietor may display advertisements inside the Hackney Carriage which must comply with the Advertising Standards Authority Codes of Practice and those of the Portman Group relating to alcohol advertising.

6.2 The Proprietor of a three or four star rated firm may, on a purpose built hackney carriage, display advertisements on the exterior of the vehicle which must comply with the Advertising Standards Authority Codes of Practice and the Portman Group relating to alcohol advertising, the specification of which must be approved by an Authorised Officer.

6.3 Should the number of stars be reduced during the period of any advertising contract such advertisement may remain until the end of such contract. Contracts should not be entered into for any more than twelve months at a time.

6.4 The Council, using its absolute discretion, may require Proprietors to display a mandatory door sign which states the number of stars awarded to the company they work from or awarded to the Proprietor, where operating independently.

6.5 A hackney carriage working on behalf of an Oldham licensed private hire operator or taxi company may display the company door sign of that operator.

6.6 All signs must be a minimum size of 600mm x 200mm. Individual lettering shall not exceed 50mm (in height) x 5mm (in thickness) but may be of any colour.

6.7 The company door signs shall be permanently affixed to the top half of the rear door panels by way of adhesive rather than magnetic means. Such signs are to be displayed at all times whilst such vehicle has current identification Plates affixed.

7. Signage

7.1 The Proprietor shall cause to be affixed and maintained in a conspicuous position in accordance with the directions of an Authorised Officer any signs or notices required.

7.2 A notice of a size approved by the Council specifying the number of stars awarded to the holder of the hackney carriage vehicle licence will be permanently displayed and affixed by adhesive on each of the rear doors of the hackney carriage.

7.3 All vehicles must display a mandatory door sign which must be affixed by way of adhesive rather than by way of magnetic means to the upper door panels of both front doors at all times whilst the vehicle is licensed. Such signs must include the word ‘TAXI’ and the name of the Council together with its specified logo.

7.4 Roof signs displayed on non-purpose-built vehicles should meet the following specification – angle design showing white to the front and red to the rear – size 90 cm x 15 cm x 15 cm high.

8. Animals

8.1 The Proprietor shall not permit any animal to ride in the vehicle except in the custody or control of the hirer and which shall be conveyed in the rear of the vehicle, other than a guide or hearing dog in the custody or control of the hirer being a visually or audibly impaired person which then may be conveyed in the well of the first passenger seat of saloon cars.

9. Taximeters

9.1 The Proprietor shall not use or permit to be used a Taximeter that an Authorised Officer has not approved, tested and is sealed to prevent unauthorised adjustment of the Taximeter.

9.2 The Proprietor shall ensure that the Taximeter is sufficiently illuminated that when it is in use, it is visible to all passengers and shall display the Taximeter to the satisfaction of the Authorised Officer.
9.3 The proprietor shall ensure that the authorised Taximeter is programmed to calculate, in accordance with the fares fixed by the Council, the fare for a journey.

9.4 Where a hackney carriage vehicle carry’s out a private hire contract on behalf of a private hire operator, licensed by Oldham Council; the Council will, subject to the following conditions, permit the authorised taximeter to be programmed with an additional tariff that reflects the fares charged by the private hire operator the hackney carriage is carrying out a private hire contract on behalf of: -

9.5 The fare charged for a contract carried out on behalf of a private hire operator must be on a separate tariff to the hackney carriage fares fixed by the Council.

9.6 The proprietor shall ensure the tariff, programmed into the authorised taximeter and used to calculate the fare charged for a contract carried out on behalf of a private hire operator shall not be at a rate greater than that of the hackney carriage fares fixed by the Council.

9.7 The tariff to be used to calculate the fare charged for a contract carried out on behalf of a private hire operator can only be programmed in to the meter by one of the businesses approved by the Council to seal and calibrate hackney carriage meters. Once programmed the meter will need to be sealed by the chosen approved business.

9.8 The proprietor must ensure a member of the public or an authorised officer for the Council can easily verify that the fare charged for a contract carried out on behalf of a private hire operator is no greater than the hackney carriage fare, as fixed by the Council, would be for the same contract.

10. Fare Table

10.1 The Proprietor shall ensure that a current copy of the fare table supplied by the Council is exhibited so that it can be easily read by passengers.

11. Drivers Licence

11.1 The Proprietor shall retain copies of the hackney carriage drivers licence of all drivers driving his vehicle and produce the same to an Authorised Officer or Constable on request.

12. Radios

12.1 The Proprietor shall ensure that any radio equipment fitted to his Hackney Carriage is at all times kept in a safe and sound condition and maintained in proper working order.

13. Convictions

13.1 The Proprietor of a Hackney Carriage shall notify the Council in writing of any conviction, caution, fixed penalty (Inc. road traffic offences), anti social behaviour order or bind over against him/her immediately after the caution, fixed penalty, anti social behaviour order or bind over has been issued or the conviction and sentence imposed and shall provide such further information about the caution, fixed penalty, anti-social behaviour order or bind over as the Council may require.

14. Licence

14.1 All vehicles must undertake and pass a further Test at the Appointed Testing Station 6 months after the Licence is issued. Arrangements for vehicle testing are entirely the responsibility of the Proprietor.

14.2 The Council in its absolute discretion may vary the licence conditions for any Proprietor who is a member of an Accredited Membership Scheme.

15. Notification of Transfer

15.1 The Proprietor shall notify the Council in writing within 14 days of any transfer of the interest in the vehicle.

16. Notification of Change of Address

16.1 The Proprietor shall give notice in writing to the Council of any change of his/her address during the period of the Licence within 14 days of such change taking place.

17. Notification of who is driving the vehicle

17.1 Where you hire / lend / lease / rent your vehicle to another licensed driver, you must within 24 hours, or if on a weekend / bank holiday the next
working day, provide, in writing to the licensing section the following information: -

- The name of the driver and their badge number;
- The address of the driver;
- The company for whom the driver works for;
- The date and time you hired / lent / leased / rented your vehicle to the driver;
- Whose insurance the driver will be using the vehicle under;
- Whether the driver will have sole use of the vehicle; if not sole use whom else will have access to the vehicle;
- The expected duration the vehicle will be hired / lent / leased / rented to the driver;

17.2 Where the driver to whom you have hired / lent / leased / rented your vehicle to, returns the vehicle and no longer wishes to hire / borrow / lease / rent the vehicle, you must within 24 hours, or if on a weekend / bank holiday the next working day, provide in writing to the licensing section the following information: -

- The date and time upon which the vehicle was returned to your possession.

18. Compliance with Legislation

18.1 This Licence is issued subject to compliance with the current Hackney Carriage byelaws and the relevant provisions of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

19. Intended Use

19.1 The proprietor of the hackney carriage vehicle licence shall ensure that an accurate and contemporaneous record is made and maintained either by himself of the driver of the vehicle, of all uses of the vehicle when being used to fulfil pre-booked hiring’s on behalf of a private hire operator licensed by another local authority;

19.2 The accurate and contemporaneous record should include, at a minimum, the following information, and be recorded in a stitch or heat / glue bound book so as to provide a continuous record without breaks between rows: -

- date;
- time of first pick up;
- first ‘pick up’ point by location / name / address including house number;
- destination point by location / name / address including house number;
- the name and address of the operator on behalf of which the journey was being undertaken;

19.3 Each book shall legibly and clearly display the details of the vehicle to which it relates, including the make, model, registration number and vehicle licence number;

19.4 The record of journeys shall be available for inspection at any time by a police constable or PCSO; and an officer of any local authority who through the course of their normal duties are authorised to inspect the licensed vehicle;

19.5 Each book, when full, shall be forwarded to the Licensing Section;

19.6 Where the holder of a hackney carriage proprietor’s licence wishes to maintain a record of use in any other format than set out above, prior approval must be obtained from an Authorised Officer.
Appendix C

Private Hire Drivers Licence Conditions

1. Definitions

"Authorised Officer" any Officer of the Council authorised in writing for the purposes of the Local Government (Miscellaneous Provisions) Act 1976

"The Council" Oldham Council

"The Private Hire Vehicle" a motor vehicle constructed to seat fewer than nine passengers, other than a hackney carriage or public service vehicle which is provided for hire with the services of a driver for the purpose of carrying passengers

"The Proprietor" means the person who owns the vehicle

2. Driver Conduct/Dealing with Passengers

2.1 The driver shall:

- behave in a civil, moral and orderly manner, and shall be appropriately dressed in a clean and respectful way;

- take reasonable precautions to ensure the safety of passengers whilst conveyed in, entering or alighting the vehicle and comply with all reasonable requests of the hirer;

- afford every, reasonable assistance, to passengers with particular needs, when those passengers are getting in and out of the vehicle, in particular those with shopping, prams, wheelchairs and those passengers with a disability.

- not without the express consent of the hirer play any music, radio or sound producing instrument/equipment other than for the purpose of sending or receiving messages in connection with the operation of the vehicle;

- at no time cause or permit the noise emitted by any music, radio or sound producing instrument/equipment in the vehicle which he is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle;

- arrive for bookings on time (unless unavoidable) and arrive in the correct place as requested by the hirer;

- not drink alcohol at any time when you are working;

- not eat or drink whilst dealing with passengers, unless permission granted by the hirer;

- take all reasonable precautions to prevent alcohol being consumed by passengers in the vehicle;

- not pick up or carry anyone else apart from the hirer, unless the hirer gives their permission;

- when hired to drive to any particular destination; and subject to any direction given by the hirer, proceed to that destination by the shortest practicable route;

- ensure that the vehicle is free from defects and kept in a clean condition inside and out and in every way fit and safe for public use;

- not permit a private hire vehicle to carry a greater number of passengers then the number prescribed in the licence;

- not smoke or allow smoking in his vehicle;

- the use of e-cigarettes and /or vaping in a licensed vehicle by the driver and / or passenger(s) is not permitted.;

- use a hand held mobile telephone or hand-held device whilst driving.
3. Drivers Badge – Lanyard

3.1 In order to assist passengers in visually identifying a licensed driver, and to improve the aesthetics of a dual drivers badge. The licensing service has procured ‘lanyards’ to replace the current system of clips and / or chains for dual drivers badges; this lanyard must be attached to the badge and must be worn at all times the driver is working.

4. Lost Property

4.1 Immediately after termination of any hiring or as soon as practicable thereafter, carefully search the vehicle for any property which may have accidentally been left therein.

4.2 If any property is accidentally left by any person who may have been conveyed in the vehicle and been found by or handed to the driver. The lost property must be taken to a police station as soon as possible or within 24 hours, if not claimed sooner by or on behalf of its owner. Instructions regarding its custody should be received by the police.

5. Bookings

5.1 Not be involved in any advance booking of passengers (this is to prevent private hire drivers acting as a ‘operator’).

5.2 Not offer any vehicle for hire to people who have not booked.

5.3 Not tout or solicit on a road or other public place any person to hire or be carried for hire in any private hire vehicle, or procure or cause any person to tout or solicit for you.

6. Written Receipts

6.1 Provide a written receipt for the fare paid to the hirer or passenger if requested.

7. Animals

7.1 Not permit any animal to ride in the vehicle except an animal in the custody or control of the hirer or other passengers.

8. Medical Exemptions – Assistance Dogs

8.1 Where a driver has been granted a Medical Exemption so as to exempt them from carrying of an assistance dog; the notice of exemption must be exhibited in the vehicle by fixing it in an easily accessible place, for example on the windscreen or in a prominent position on the dashboard.

8.2 A driver issued with a Medical Exemption must use a tactile medical exemption certificate so that guide dog owners are able to identify the certificate, which should be presented to the guide dog owner upon request.

9. Offences/Convictions

9.1 Notify the Council in writing of any conviction, caution, fixed penalty (Inc. road traffic offences), anti-social behaviour order or bind over against him/her immediately after the caution, fixed penalty, anti-social behaviour order or bind over has been issued or the conviction and sentence imposed and shall provide such further information about the caution, fixed penalty, anti-social behaviour order or bind over as the Council may require.

10. Luggage

10.1 If driving a vehicle so constructed as to carry luggage, convey a reasonable quantity of luggage and afford all reasonable assistance in loading and unloading passenger’s luggage.

11. Fares

11.1 Ensure a current copy of the fare table in a form approved by the Council is exhibited inside the vehicle at all times the vehicle is being used for hire. The card must not be concealed from view, allowed to become defaced or rendered illegible.

12. Licence

12.1 Deposit his private hire driver’s licence with the proprietor of the vehicle that he is driving, before commencing to drive that vehicle for private hire. A copy shall also be given to the operator.

12.2 Give notice to the council of any change in address during the period of the licence within 14 days of such change taking place.
12.3 Give notice in writing to the council within 7 days when changing /transferring to another Private Hire Operator.

13. Notification of which vehicle you are driving

13.1 Where you hire / borrow / lease / rent a licensed vehicle from another person, you must within 24 hours, or if on a weekend / bank holiday the next working day, provide, in writing to the licensing section the following information: -

- The vehicle registration number;
- The vehicle licence number;
- The date and time upon which you hired / borrowed / leased / rented the vehicle;
- The name of company / person from whom you are hiring / borrowing / leasing / renting the vehicle from;
- Whether you have sole use of the vehicle;
- An insurance certificate / cover note for the vehicle;
- The reason you are hiring / borrowing / leasing / renting the vehicle.
Appendix D

Private Hire Operator Conditions

1. Definitions

For a legal definition of these terms, see the Local Government (Miscellaneous Provisions) Act 1976. You can get a copy from the Licensing Office, the Library or a Solicitor.

"Accredited Membership" membership of a reward and recognition “Scheme” scheme aimed at promoting high standards for licensed drivers vehicle owners and operators approved by the Council

"Authorised Officer" any Officer of the Council authorised in writing for the purposes of the Local Government (Miscellaneous Provisions) Act 1976

"The Council" Oldham Metropolitan Borough Council

"The Operator" a person who takes bookings for the vehicle

"The Private Hire Vehicle" a motor vehicle constructed to seat fewer than nine passengers, other than a hackney carriage or public service vehicle which is provided for hire with the services of a driver for the purpose of carrying passengers

“Star Rating Scheme” a scheme to recognise and reward good practice and rating Operators at a level between 0 and 4 stars following a Compliance Audit according to an approved scheme. Membership of the scheme is mandatory.

2. Premises & Equipment

2.1 The Operator shall obtain any necessary planning permission required for his/her premises and shall comply with any conditions imposed.

2.2 The Operator shall provide adequate communication facilities and staff to provide an efficient service to the public using the operator’s facilities.

2.3 The Operator’s premises shall be kept clean and adequately heated, ventilated and lit.

2.4 The Operator shall ensure that any waiting area for the use of prospective hirers shall be provided with adequate seating, properly cushioned or covered.

2.5 The Operator’s radio equipment where installed shall be maintained in a sound condition and any defects shall be repaired promptly.

2.6 The Operator shall at no time cause or permit any audio equipment to be a source of nuisance, annoyance or interference to any other person. In addition, all reasonable precautions are to be taken to ensure that activities within the operator’s office and from licensed vehicles do not create a nuisance to others.

2.7 The Operator shall obtain and maintain in force at all times a public liability insurance policy in respect of his/her premises and produce the same to an Authorised Officer or Constable on request.

3. Booking Fares

3.1 When the Operator accepts a hiring he/she shall unless prevented by some sufficient cause, ensure that a licensed private hire vehicle attends at the appointed time and place.

3.2 When the Operator accepts the hiring he/she shall specify to the hirer the fare or the rate of the fare for the journey to be undertaken and shall immediately enter all the details of the hiring legibly in the form prescribed if requested, by Condition 3.3.

3.3 The records of hiring’s accepted by the Operator required to be kept under Section 56 of the Local Government (Miscellaneous Provisions) Act 1976 shall contain the following details and it shall be the responsibility of the operator to ensure that the records are so kept:

- the name and address of hirer;
- time of pick-up;
3.4 The Operator shall not dispose of any records of hiring’s required to be made by Condition 3 within six months of the latest hiring provided always that the operator shall not dispose of any record or records which an Authorised Officer has by notice in writing required him/her to keep until the period specified in such notice (not being longer than 12 months from the date of service of such notice) has expired.

3.5 The Operator shall produce such records of hiring’s referred to in Condition 3.3 on request to any Authorised Officer or Constable for inspection.

3.6 Any bookings which are sub-contracted must be logged together with details of whom to. The customer must also be advised that the booking is being sub-contracted to another company.

4. Record Keeping & Responsibility

4.1 The Operator shall maintain an up-to-date list of the owners and registration numbers of all private hire vehicles connected with the business and their drivers, which shall include insurance details of the vehicles and the expiry dates of driver’s badges and private hire vehicle licences and any radio call sign used, and shall produce and release such list on request to any Authorised Officer of the Council or a Constable.

4.2 The Operator shall ensure that any private hire vehicle operated by him/her from a base or premises situate within the Oldham Metropolitan Borough and any person driving the same is the subject of a current private hire driver’s licence issued by the Council. A copy of all private hire driver and vehicle licences must be retained by the operator.

4.3 The Operator shall ensure that the mandatory door signs are displayed at all times on private hire vehicles operating from his/her company and that all such signs on all private hire vehicles operating from his/her company are of the same design and style. Any change to the design of mandatory door signs is to be agreed with an Authorised Officer in advance.

4.4 The Operator shall complete a weekly return to the Council of any drivers and vehicles who have commenced or ceased working from the company within the last seven days. A nil return should be submitted if appropriate.

4.5 Operators must ensure a robust scheme is in place to ensure that drivers and/or vehicles do not operate when their licence or insurance has expired.

4.6 Staff training must take place on licensing law, equality legislation and how and when to accept bookings. This must be documented and signed by both parties.

5. Complaints

5.1 The Operator shall within seven days from the date of receipt thereof notify the Authorised Officer in writing of any complaint received by the Operator and not subsequently withdrawn relating to a contract for hire or purported contract for hire relating to or arising from his/her business. All complaints received must be logged and available for inspection.

6. Convictions

6.1 The Operator shall notify the Council in writing of any conviction, caution, fixed penalty, anti-social behaviour order or bind over against him/her immediately after the caution, fixed penalty, anti-social behaviour order or bind over has been issued or the conviction and sentence imposed and shall provide such further information about the caution, fixed penalty, anti-social behaviour order or bind over as the Council may require.

7. Condition of Vehicles

7.1 The Operator shall ensure that all Private Hire Vehicles in the Operator’s fleet shall be maintained in a sound mechanical and structural condition at all times and be capable of satisfying the Council’s mechanical and structural inspection at any time during the continuance of the Council’s licence in respect of the vehicle.
8. Advertisements

8.1 The Operator shall not cause or permit to be displayed in or on from his/her premises or to be published in relation to the Operator’s business any sign, notice or advertisement which consists of or includes the words “Taxi” or “Cab” whether in the singular or plural or the words “For Hire” or any other word or words of similar meaning or appearance whether alone or as part of another word or phrase or any other word or words likely to cause a person to believe that any vehicle or vehicles operated by him/her is or are hackney carriage or carriages. The Operator shall be permitted to display in or on his/her premises a notice of a size to be approved in advance by the Council advertising the Operator’s membership of an Accredited Membership Scheme.

8.2 All advertisements that are being placed by the Operator should first be approved by the Council to ensure they comply with conditions and do not breach the Advertising Standards Authority Codes of Practice and those of the Portman Group relating to alcohol advertising.

8.3 When considering an application for the grant, renewal or amendment to an operator licence or advertising material should an authorised officer be of the view that a company name, advertising material or door sign could cause confusion to a member of the public as to whose services they have hired the Officer will refer the matter to the Licensing Panel to allow such operator to make representations and for a decision to be made whether to allow such change or not.

9. Notification of Change of Address

9.1 The Operator shall give notice in writing to the Council of any change of his/her address or the address of any of the premises from which he/she operates during the period of the licence 14 days prior to the change taking place.

10. Duty to Co-operate

10.1 The Operator shall co-operate fully with any Authorised Officer or Constable in respect of any enquiries made whether involving drivers or Private Hire Vehicles currently connected with the business or formerly connected with the business.

11. Star Rating Scheme

11.1 Each operator shall be audited against the standards of the Star Rating Scheme, membership of which is mandatory.

12. Dispatch and Bookings of Journeys

12.1 The telephone numbers(s), associated with a private hire operator’s licence, can only be used to book vehicles licensed by Oldham Council, or a Public Services Vehicle, operating under a licence from the Vehicle and Operator Services Agency.

12.2 The booking system used by the operator must be approved by an authorised officer, and the approved booking system, whether that be an electronic or manual system, can only be used to record journeys taken for and carried out by vehicles licensed by Oldham Council, or a Public Services Vehicle, operating under a licence from the Vehicle and Operator Services Agency.

12.3 In relation to a manual booking system, the operator must provide a sample to the Licensing office for approval.

12.4 No change in the approved booking system can be made unless that change has been approved by an authorised officer.

12.5 In relation to manual booking records this includes any variation to the sample, provided by the operator and approved by an authorised officer.

12.6 If the approved booking system is by electronic means, the operator must, upon request of an authorised officer, be able to print off the following information from the system, in a form that is readable and can be removed from the premises:

- name and address of the hirer,
- time of pick-up,
- point of pick-up,
- destination,
- vehicle and driver used to fulfil a booking,
- details of vehicles and drivers recorded on the system,
12.7 At all times there must be a person on the premises who can provide, upon request by an authorised officer, any of the information required under the conditions associated with this licence. An exception may be made by an authorised officer to extend this period for up to 24 hours if the need arises.

12.8 The dispatch system used by the Company, whether that is by means of radio, data-head or telephone, must be approved by the Council, and can only be used to dispatch vehicles licensed by Oldham Council, or a Public Services Vehicle, operating under a licence from the Vehicle and Operator Services Agency.

12.9 The operator must provide details of a nominated person or persons who, in conjunction with or in the absence of, the operator can provide, upon request by an authorised officer, any of the information required under the conditions attached to a licence.

12.10 Any advertisements approved by an authorised officer can only display the approved telephone number(s) associated with the private hire operator’s licence, for the avoidance of doubt ‘advertisement’ includes mandatory door signs.

12.11 If an operator is to be away from the business for an extended period, that being longer than 14 consecutive days, the operator must inform licensing in writing who, in the operator’s absence, will be in day to day control of the business, this notice must include the contact details of the person being placed in charge.

12.12 The purpose of these conditions is to ensure the telephone number(s), booking system and the dispatch system, associated with the business, are only used for bookings taken under the authorisation of the private hire operator’s licence issued by Oldham Council; and that authorised officers have a point of contact when operator are on extended leave.

13. Email Addresses

13.1 All operators must have an email address which the Council can use to communicate with the operator. You must inform the Licensing Office of any changes to that email address, 7 days from the date of any changes taking effect.

14. Lost Property

14.1 Operators must ensure that any lost property deposited in the office is relayed to a local police station within 48 hours. Any lost property received must be logged by the Operator.

15. Communication

15.1 Operators must have a system in place for communicating key messages from the Licensing Authority with drivers. This includes circulating newsletters.

15.2 Operators must ensure that they, or a representative, attend trade liaison meetings called by the Licensing Authority.

16. Basic Disclosure – Base / Office Staff

16.1 The operator must ensure all base staff are subject to a ‘Basic’ Criminal Records Check, conducted by the Disclosure Barring Service. This requirement will not apply to base staffs that hold a current dual drivers licence with Oldham Council.

16.2 Such checks will need to be carried before initial employment commences and then every three years thereafter.

16.3 For existing staff already in employment at the time this policy came into effect, checks will need to be carried out within 3-months of commencement of this policy and then every three years thereafter.

17. Recruitment Policy

17.1 Operators’ must have a ‘recruitment policy’ in place for all base / office staff. This policy, should at a minimum, include how the operator will implement the requirements to obtain a DBS for non-licensed base staff and on what grounds employment may be refused or terminated.
18. CSE & Licensing Training

18.1 All base / office staff will be required to attend the Council’s CSE and Licensing Training Course.
Appendix E

Hackney carriage Bylaws

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

Interpretation

1. Throughout these byelaws “the Council” means Oldham Metropolitan Borough Council and “the district” means Metropolitan Borough of Oldham.

Provisions Regulating the Manner in which the Number of each Hackney Carriage corresponding with the Number of its Licence, shall be Displayed

1. (a) The proprietor of 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; and

(ii) not cause or permit the carriage to stand or ply for hire with any such painting marking or plate so defaced that any figure or material particular is illegible;

Provisions regulating how Hackney Carriages are to be furnished or provided

3. The proprietor of a hackney carriage shall:

a) provide sufficient means by which any person in the carriage may communicate with the driver;

b) cause the roof or covering to be kept watertight;

c) provide any necessary windows and a means of opening and closing not less than one window on each side;

d) cause the seats to be properly cushioned or covered;

e) cause the floor to be provided with a proper carpet, mat or other suitable covering;

f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;

(g) provide means for securing luggage if the carriage is so constructed as to carry luggage; provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use; and

h) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.

4. The Proprietor of a Hackney Carriage shall cause the same to be Provided with a Taximeter so constructed, attached and maintained as to comply with the following requirements, that is to:

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; 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;
c) 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;

d) 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

e) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

Provisions Regulating the Conduct of the Proprietors and Drivers of Hackney Carriages plying within the District in their Several Employments and Determining whether such Drivers shall wear any and what Badges

5. The driver of a hackney carriage provided with a taximeter shall:

a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;

b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device so that the word “HIRE” 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 hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.

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

a) proceed with reasonable speed to one of the stands appointed by the Council;

b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;

c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction; 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. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not make use of the services of any other person for the purpose of importuning any person to hire such carriage.

9. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.

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

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

Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance and time the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on 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.

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 Redelivery 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 48 hours if not sooner claimed by or on behalf of its owner, to a police station in the Borough 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.

Penalties

18. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding Level 2 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.

Repeal of Byelaws

19. These byelaws revoke any byelaws previously made by Oldham Metropolitan Borough Council which are subsisting at the date of these byelaws and which relate to hackney carriages and their drivers.

Dated 15th March 2004
# Appendix F

## List of Offences

### 1. Hackney Carriages

#### Hackney Carriage Offences – Town Police Clauses Act 1847

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<td>Giving False information on application for HC proprietors Licence</td>
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<td>Failure to notify change of address of HC proprietor</td>
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<tr>
<td>Plying for hire without HC proprietors Licence</td>
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<td>Driving a HC without HC drivers licence</td>
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<td>Lending or parting with HC drivers licence</td>
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<td>HC proprietor employing unlicensed driver</td>
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<td>Failure by HC proprietor to hold HC drivers licence</td>
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<td>Obtaining more than the legal fare</td>
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<td>Travelling less than the lawful distance for an agreed fare</td>
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<td>Failing to wait after a deposit to wait has been paid</td>
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<td>Charging more than the legal fare</td>
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<td>Carrying other person than the hirer without consent</td>
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<td>Driving HC without proprietors consent</td>
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<td>Person allowing another to drive HC without proprietors consent</td>
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<td>Drunken driving of HC</td>
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<td>Wanton or furious driving or wilful misconduct leading to injury or danger</td>
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<td>Driver leaving HC unattended</td>
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<td>HC driver obstructing other HC’s</td>
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<tr>
<th>Offence</th>
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<tbody>
<tr>
<td>Failure to notify transfer of HC proprietors licence</td>
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<td>Failure to present HC for inspection as required</td>
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<tr>
<td>Failure to inform local authority where HC is stored if requested</td>
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<td>Failure to report an accident to local authority</td>
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<td>Failure to produce HC proprietors licence and insurance certificate</td>
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<td>Failure to return plate after notice given after expiry, revocation or suspension of HC proprietors licence</td>
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<tr>
<td>Permitting any vehicle other than HC to wait on a HC stand</td>
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<tr>
<td>Charging more than the meter fare for a journey ending outside the district, without prior agreement</td>
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<tr>
<td>Charging more than the meter fare when HC used as private hire vehicle</td>
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<td>Unnecessarily prolonging a journey</td>
</tr>
<tr>
<td>Interfering with a taximeter</td>
</tr>
<tr>
<td>Obstruction of authorised officer or constable</td>
</tr>
<tr>
<td>Failure to comply with requirement of authorised officer or constable</td>
</tr>
<tr>
<td>Failure to give information or assistance to authorised officer or constable</td>
</tr>
</tbody>
</table>
## 2. Private Hire


<table>
<thead>
<tr>
<th>Offence</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Using an unlicensed PH vehicle</td>
<td></td>
</tr>
<tr>
<td>Driving a PH vehicle without a PH drivers licence</td>
<td></td>
</tr>
<tr>
<td>Proprietor of a PH vehicle using an unlicensed driver</td>
<td></td>
</tr>
<tr>
<td>Operating a PH vehicle without a PH operator’s licence</td>
<td></td>
</tr>
<tr>
<td>Operating a vehicle as a PH vehicle when the vehicle is not licensed as a PH vehicle</td>
<td></td>
</tr>
<tr>
<td>Operating a PH vehicle when the driver is not licensed as a PH driver</td>
<td></td>
</tr>
<tr>
<td>Failure to display PH vehicle plate</td>
<td></td>
</tr>
<tr>
<td>Failure to notify transfer of PH vehicle licence</td>
<td></td>
</tr>
<tr>
<td>Failure to present PH vehicle for inspection as required</td>
<td></td>
</tr>
<tr>
<td>Failure to inform local authority where PH vehicle is stored if requested</td>
<td></td>
</tr>
<tr>
<td>Failure to report an accident to local authority</td>
<td></td>
</tr>
<tr>
<td>Failure to produce PH vehicle licence and insurance certificate</td>
<td></td>
</tr>
<tr>
<td>Failure to produce PH drivers licence</td>
<td></td>
</tr>
<tr>
<td>Failure to wear PH drivers badge</td>
<td></td>
</tr>
<tr>
<td>Failure by PH operator to keep records of bookings</td>
<td></td>
</tr>
<tr>
<td>Failure by PH operator to keep records of PH vehicles operated by him</td>
<td></td>
</tr>
<tr>
<td>Failure to produce PH operator’s licence on request</td>
<td></td>
</tr>
<tr>
<td>Making false statement or withholding information to obtain PH drivers or operators licence</td>
<td></td>
</tr>
<tr>
<td>Failure to return plate after notice given after expiry, revocation or suspension of PH vehicle licence</td>
<td></td>
</tr>
<tr>
<td>Failure to surrender drivers licence after suspension, revocation or refusal to renew</td>
<td></td>
</tr>
<tr>
<td>Charging more than the meter fare when HC used as PH vehicle</td>
<td></td>
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