

AGENDA



CABINET

MONDAY, 3 OCTOBER 2011

11.00 AM

**COUNCIL CHAMBER, COUNCIL OFFICES, ST PETERS HILL,
GRANTHAM**

Beverly Agass, Chief Executive

MEMBERS: Councillor Mrs. Linda Neal (Leader/Portfolio: Strategic Partnerships), Councillor Paul Carpenter (Deputy Leader & Portfolio: Engagement & Corporate Services), Councillor Mrs Frances Cartwright (Portfolio: Economic Development), Councillor John Smith (Portfolio: Healthy Environment), Councillor Mike Taylor (Portfolio: Resources) and Councillor Terl Bryant (Portfolio: Housing)

Committee Lucy Bonshor 01476 40 61 20
Support Officer: e-mail: l.bonshor@southkesteven.gov.uk

Members of the public are entitled to attend the meeting of the Cabinet at which key decisions will be taken on the issues listed on the following pages. Key decisions are marked *.

- 1. APOLOGIES**
- 2. MINUTES**

(Enclosure)

- 3. DECLARATIONS OF INTEREST (IF ANY)**
- 4. *CORPORATE EQUALITIES SCHEME 2011 - 2014**
Report Number TS057 from the Economic Development Portfolio Holder
(Member Equalities Champion).

(Enclosure)
- 5. *ADOPTION OF HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY**
Report Number ENV550 from the Portfolio Holder Engagement & Corporate Services Portfolio.

(Enclosure)
- 6. *ADOPTION OF STREET TRADING POLICY AND REVIEW OF EXISTING CONDITIONS - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**
Report Number ENV549 from the Engagement & Corporate Services Portfolio Holder.

(Enclosure)
- 7. *COUNCIL'S VISION AND PRIORITIES - DRAFT**
Presentation by Chief Executive.
- 8. MATTERS REFERRED TO CABINET BY THE COUNCIL, SCRUTINY COMMITTEE OR THE POLICY DEVELOPMENT GROUPS**
- 9. ITEMS RAISED BY CABINET MEMBERS INCLUDING REPORTS ON KEY AND NON KEY DECISIONS TAKEN UNDER DELEGATED POWERS.**
- 10. REPRESENTATIONS RECEIVED FROM MEMBERS OF THE PUBLIC ON MATTERS WITHIN THE FORWARD PLAN (IF ANY)**
- 11. REPRESENTATIONS RECEIVED FROM NON CABINET MEMBERS**
- 12. ANY OTHER BUSINESS WHICH THE CHAIRMAN, BY REASON OF SPECIAL CIRCUMSTANCES, DECIDES IS URGENT**



MEETING OF THE CABINET
5 SEPTEMBER 2011 - 11.00 AM – 11.10 AM

PRESENT:

Councillor Mrs Frances Cartwright
Councillor John Smith
Councillor Mike Taylor
Councillor Teri Bryant

Councillor Mrs. Linda Neal - Chairman

Chief Executive (Beverly Agass)
Strategic Director (Daren Turner)
Strategic Director (Tracey Blackwell)
Head of Development & Growth (Mark Williets)
**Head of Legal & Democratic Services/Monitoring
Officer (Lucy Youles)**
**Planning Policy & Partnerships Service Manager
(Karen Sinclair)**
Senior Planning Officer (Policy) (Rachel Armstrong)
Head of Assets (Paul Stokes)
Team Leader Assets (Lee Goodale)
Cabinet Support Officer (Lucy Bonshor)

Non-Cabinet Members : Councillor Adams

CO16. APOLOGIES

An apology for absence was received from Councillor Carpenter.

CO17. MINUTES FROM 1 AUGUST 2011

The minutes of the meeting held on 1st August were agreed as a correct record of the decisions taken.

CO18. DECLARATIONS OF INTEREST (IF ANY)

Councillor Smith declared a personal and prejudicial interest in agenda item 5 on account of his membership of a club that meets within the Bourne Core Area and therefore left the meeting during the discussion and voting on this item.

CO19. *IMPLICATIONS FOR REMAINING LOCAL PLAN ALLOCATION

Decision:

Cabinet approves the de-allocation of the remaining undeveloped and uncommitted South Kesteven Local Plan allocations (as identified in report PLA907) included within Local Plan Policies H1, H2, H3, H4, H5 and E1, E2, E3, E4 and E5, unless they have specifically been identified for reallocation or are identified as part of the existing employment site policies in the Grantham Area Action Plan or the Site Allocation and Policies DPD.

Considerations/reasons for decision:

- 1) Report PLA907 by the Economic Development Portfolio Holder.
- 2) The need to clarify and confirm the status of sites which are allocated in the Adopted South Kesteven Local Plan for housing or employment development, but which have not come forward for that development in the 16 years since the Local Plan was adopted.
- 3) As new plans, policies and allocations are adopted, it is important that those which were adopted under the Local Plan and are not re-allocated under the Local Development Framework are de-allocated.

Other options considered:

- 1) The sites have been assessed for suitability for re-allocation. There are, therefore, no alternatives to consider.
- 2) As examination the DPDs will be tested as to whether they are the most appropriate strategy when considered against reasonable alternatives and that they have been developed from a robust and credible evidence base.

CO20. *BOURNE CORE AREA

11.05am Councillor Smith left the meeting.

Decision:

Cabinet authorises:

- (i) **the allocation of 16 car parking spaces at the Burghley Street car park, Bourne to be used in the Council's Wherry's Lane Development (the Development), withdrawal from public use and**

disposal in association with the disposal of residential accommodation to be provided at the Development. The approximate location of the spaces required is shown hatched red on the plan attached to report AFM214 which is for identification purposes only.

- (ii) the works required at the Burghley Street car park, Bourne to provide approximately 11 additional car parking spaces to be brought into use on the Burghley Street site.**
- (iii) the appointment of a suitably qualified and experienced agent to dispose of the Development (either by sale or rent) to ensure that the best price is achieved for individual units and/or the Development as a whole.**
- (iv) disposal of the Development and/or individual units in accordance with the following marketing proposals:**
 - 1) Freehold disposal of the Development as a whole; (or)**
 - 2) Leasehold disposal of the parts of the scheme being the collective upper residential floors and/or the ground floor retail/commercial parade; (and/or)**
 - 3) Disposal of individual apartments by sale on long lease; (and/or)**
 - 4) Disposal by way of market rent of the residential apartments on assured short hold tenancies; (and)**
 - 5) Disposal by way of commercial market rent of the ground floor rental/commercial units.**
- (v) appropriate marketing of the Development following the grant of satisfactory planning permission for the Development.**
- (vi) a review of marketing proposals within 12 months of the grant of planning permission for the Development.**
- (vii) in the event that the Council retains the freehold ownership of the Development, the management of the Development to be outsourced to an experienced agent.**

Considerations/reasons for decision:

- 1) Report AFM214 by the Economic Development Portfolio Holder.**
- 2) The Non Key Decision to award the design and build contract to the selected contractor subject to planning approval.**
- 3) The need for a number of management issues to be addressed before the development commences.**
- 4) The management of the development is better placed with external agents given its specialist nature.**
- 5) It is essential that the flexibility to dispose of the individual units or the site as a whole as detailed within report AFM214 is permitted to ensure**

officers can react to market changes and the advice of agents marketing the site.

Other options considered:

The option still remains to allow for the immediate sale of the apartments however the opportunity to secure the sale of the whole development represents a more beneficial option in terms of realising the council's capital injection for future regeneration schemes. Advice has been taken in determining this position but should be carefully reviewed.

DATE DECISIONS EFFECTIVE:

Decisions CO19 and CO20 as made on 5th September 2011 can be implemented on 14th September unless subject to call-in by the Scrutiny Committee Chairman or any five members of the Council from any political groups

South Kesteven District Council, Council Offices, St. Peter's Hill, Grantham, Lincolnshire NG31 6PZ

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REPORT TO CABINET

REPORT OF: Economic Development Portfolio
(Member Equalities Champion)

REPORT NO: TS0057

DATE: 3rd OCTOBER 2011

TITLE:	Corporate Equality Scheme 2011-2014	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	Key decision	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Cllr Frances Cartwright, Economic Development Portfolio (Member Equalities Champion)	
CONTACT OFFICER:	Jane Booth Acting Head of Housing & Neighbourhoods Tele: 01476 406631 Email: j.booth@southkesteven.gov.uk	
INITIAL IMPACT ASSESSMENT:	Carried out and Referred to in paragraph (7) below	Full impact assessment Required:
Equality and Diversity		
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Your Council and Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	None	

1. RECOMMENDATIONS

That Members approve the attached draft Corporate Equality Scheme for 2011-2014.

2. PURPOSE OF THE REPORT

The purpose of this report is to detail the Council's current responsibilities under the updated Equality Duty and to seek approval of the draft Corporate Equality Scheme.

3. DETAILS OF REPORT

The Equality Act 2010 (the Act) replaces the previous anti-discrimination laws with a single Act. Section 149 of the Act introduces an Equality Duty.

The Equality Duty applies across Great Britain to all public bodies when they are carrying out public functions.

It ensures that as a public body we consider the needs of all individuals in our day to day work – in shaping policy, in delivering services and in relation to our own employees.

The Equality Duty is designed to reduce bureaucracy whilst ensuring public bodies play their part in making society fairer by tackling discrimination and providing equality of opportunity for all.

The Equality Duty has three aims. It requires public bodies to have *due regard* to the need to:

- **Eliminate unlawful discrimination**, harassment, victimisation and any other conduct prohibited by the Act
- **Advance equality of opportunity** between people who share a protected characteristic and people who do not share it; and
- **Foster good relations** between people who share a protected characteristic and people who do not share it

Having due regard means that consideration of equality issues must influence the decisions reached by the Council such as how we act as employers, how we develop, evaluate and review policy, how we design, deliver and evaluate service and how we commission and procure from others.

The attached draft Corporate Equality Scheme sets out our approach to mainstreaming equality and diversity within all our services to ensure the Council addresses all of the key aspects of the Equality Duty.

4. OTHER OPTIONS CONSIDERED

Not applicable

5. RESOURCE IMPLICATIONS

There are no resource implications within Corporate Equality Scheme

6. RISK AND MITIGATION

None

7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT

There were no issues arising from the completed equality impact assessment.

8. CRIME AND DISORDER IMPLICATIONS

Not applicable

9. COMMENTS OF FINANCIAL SERVICES

Any resource implications arising from the implementation and delivery of the action plan will be met from existing resources.

10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

The introduction of the Equalities Act 2010 widens the equalities duty for public authorities and replaces 3 duties with the one single duty. Changes to the Scheme have been made to reflect and address that duty. The Act includes new provision relating to discrimination by association, perception and indirect discrimination and strengthens the duty in respect of disability, gender re-assignment and gender generally. It also introduces wider provision relating to positive action, harassment and victimisation.

A full consultation on the new scheme was carried out. A list of all external consultees is included in the draft Scheme.

11. APPENDICES:

- Proposed draft Corporate Equality Scheme

South Kesteven District Council

Equality Scheme

2011 – 2014

Draft v 10

Foreword by Leader of Council

I am pleased to introduce South Kesteven District Council's updated Corporate Equality Scheme (2011-2014). The scheme sets out how the Council meets its statutory duties to promote race, disability, gender, gender reassignment, age, sexual orientation, religion and belief and pregnancy and maternity equality under the Equality Act 2010. It replaces and builds on our previous Equality Scheme that covered the years 2009 to 2012 and also addresses our commitment to new legislation around marriage and civil partnership under the Equality Act 2010.

Our communities are valued in South Kesteven and in producing this Scheme we hope to show that we celebrate the diversity of the people who live, work or study here and those who are visitors to our district.

This is geographically a diverse district too and we recognise that the issues facing people in urban areas are different to those of people in rural settings. Our services and the way we deliver them need to reflect these differences – not everyone has the same access to or experience of our services and we are committed to putting our customers first and developing or adapting services to meet their needs. We want to work with our communities to remove the barriers of inequality and make South Kesteven a place where people from different communities get on well together and prosper.

Whether dealing with our own staff or with members of the public, we aim to treat everyone with respect and we aim to be an organisation that values and celebrates diversity.

We present our Corporate Equality Scheme (2011 – 2014) as part of our commitment to the continuous improvement of our services for all people within the district.

Councillor Linda Neal

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South Kesteven District Council Corporate Equality Scheme 2011 - 2014

1. Introduction

This document sets out how the Council intends to promote equality of opportunity in all of its functions. The scheme has been produced to reflect our ongoing commitment to the elimination of unfair discrimination, the advancement of equality of opportunity for all and to foster good relations between different communities. The scheme will also help the Council progress through the Equality Framework for Local Government and deliver the Equality Act 2010

By adopting the scheme the Council will mainstream issues of equality and diversity into service delivery, employment and procurement for all aspects of our work. We are committed to providing equal access to services and employment for all people living, working and visiting the district.

This scheme is about long-term, continuous improvement, and for this reason responsibility for implementing the scheme lies with all of the Council's elected Members and officers. Our scheme recognises the crucial importance of ensuring that the principles of equality and diversity inform key decision-making at every level within the Council.

2. Setting the Scene

Profile of South Kesteven District

Location

South Kesteven is located in the southwest corner of Lincolnshire, incorporating the towns of Grantham, Stamford and Bourne and an area known as the Deepings with over 100 villages and hamlets covering 365 sq miles of countryside. The population of the area is estimated by the Office for National Statistics to be 131,200 for mid 2009, which is an increase of over six thousand since the Census 2001 and the GP registrations for the district show a population of 137,382 as at October 2010. The gender split in the census 2001 was 49% male and 51% female.

Economy

The economy of the district which is centred mainly in the urban areas is connected with property and business services, engineering, food processing, cold storage, distribution, retail, local government and the NHS. Agriculture, tourism and the service sectors are also significant employers in the rural areas.

There were 2,052 claimants for Job Seekers Allowance in May 2011 which is 2.5% of the resident population of the area aged 16-64 compared to 3.6% for the East Midlands.

The employment rate (2010) was 75.9% as compared to 71.1% for the East Midlands, with median average gross weekly earnings by residence of £491.20 and £470.30 respectively. This earnings level is boosted by commuting to work out of the area.

South Kesteven District Council Corporate Equality Scheme 2011 - 2014

There are a number of major development plans within the district. These include: Grantham for Growth, the Bourne Core Retail Area and development of the 'starter' offices on the Northfields Industrial Estate in the Deepings.

Communications

The area lies approximately 100 miles from London, which is just over an hour away by train from Grantham and within easy reach of Nottingham, Lincoln and Peterborough by both road and rail. Whilst there are bus services between the major settlements and the many rural villages, the frequency of the services leaves the population heavily reliant on their cars for transport. The Census 2001 showed that 37.2% of South Kesteven's households have more than one car as compared to the national figure of 29.4%.

In such a rural community the internet plays a large part in communications, but the number of premises with no access to fixed line broadband in 2010 is estimated to be 11.02% with areas mainly to the west of Grantham being affected. The broadband take up in the urban areas where there is good connectivity ranges from 54%-56% and in the rural areas it ranges from 63%-69%.

Social Profile of the Community

The population projections estimate that the district's population will increase to 152,000 by 2031. The age group anticipated to increase the most over the coming years is the 65+ age group in particular the 80+ year olds with the 40-50 year olds experiencing decreasing numbers.

The average house price as at December 2010 was £181,845 which is higher than the East Midlands average of £164,130. However the prices appear to have levelled off and the lack of mortgages available could drive prices down as the market stagnates. As house prices increased over the years 2001 to 2007, affordability became an issue for those on lower incomes and the economic situation also impacted on the number of new houses being built. The mean household income for the district is approximately £33,000 making house prices 5.5 times household income.

There are excellent high achieving schools in the district with five of the secondary schools achieving a 90%+ pass rate for 5 GCSE A*-C grades in 2009 and 67.4% of all people had qualifications of NVQ2 or above.

South Kesteven tends to lose many of its young people particularly of college age, when they move away for education and employment reasons and then do not necessarily return.

South Kesteven District Council Corporate Equality Scheme 2011 - 2014

98.4% of the population in 2001 were classified as White with the remaining 1.6% (approximately 2,000 residents) from Black and Minority ethnic groups (BME). In 2009 there were 52 different nationalities living in the area. 5,050 persons are registered for national insurance (NI) contributions, the majority of whom come from Poland in the first instance and then Hungary, Lithuania, Latvia, Portugal, Slovak Republic, India, Philippines and South Africa. National insurance number registrations were declining from 1,100 in 2007 but have increased from 490 in 2009 to 550 in 2010. GP registrations also suggest that numbers of international migrants aged 0-15 years and 65+ years entering the county have been on the increase.

The school census in January 2011 indicates that there are 2,068 BME (not white English, white Scottish or white Welsh) school children in the district out of a total pupil population of 18,234 with approximately 740 pupils (490 in Grantham) having English as an additional language.

Figures from the 2001 census show that 82% of the local population are of Christian belief with over 900 people recorded as Buddhist, Hindu, Jewish, Muslim and Sikh.

The number of lesbian, gay, bisexual and transgender (LGBT) people is not known, however based on national research by Stonewall and HM Treasury, the estimated number of LGBT people living in the district is about 8,500.

There are two hospitals in the area, one in Grantham with an A&E dept. and the other in Stamford without an A&E facility. The NHS health profile for South Kesteven 2010 shows that hospital stays for alcohol related harm, people diagnosed with diabetes and new cases of tuberculosis are all significantly better than the average for England. The life expectancy rate for females is 82.1 years and for males it is 78.5 years (2010) which is higher than that for the UK.

There were a total of 8,630 claimants on key out of work benefits as at November 2010 (a decrease of 180 since May 2010) and 3,730 of them were on employment and support allowance (ESA) and incapacity benefit, which is 4.5% of the resident population aged 16-64. Of the 29,030 state pensioners in the district (plus any that choose not to claim), 3,795 of them claim attendance allowance.

There are four leisure centres and four libraries each based in the main towns with a mobile library to serve the rural community, with online services for ordering books. Grantham and Stamford also have an arts centre with theatres and tourist information centres.

Source of information: Office for National Statistics, DWP Information Directorate, Nomis, DCLG, DfES, Land Registry

3. The Council's Corporate Priorities

The Council's corporate priorities are:

- **Customer First:** Making sure the customer is at the heart of everything we do by getting it 'right first time' and making it easy for them to access our services
- **Quality Living:** To create an attractive and sustainable environment for the community to enjoy, with a street scene that is green, clean, safe and well maintained
- **Good for Business:** To work in partnership to promote the growth of local businesses and develop the economy in South Kesteven
- **Quality Organisation:** To provide effective access to services and to improve the skills and capacity of the organisation to meet local priorities and deliver excellent services

4. Corporate Equality Objectives

The Council's equality objectives are:

- To ensure Council services are accessible
- To provide fair and equal treatment that meets individual needs
- To deliver the Corporate Equality Scheme and associated four year action plan

5. Our Commitment to Equality and Diversity

South Kesteven is home to a wide range of people who make different and valuable contributions to life in the area. These identifiable groups of people include people with disabilities, men/women, transgender people, people from black and minority ethnic (BME) backgrounds, religions and faiths, lesbians, gay men, bisexual people and people from all age groups.

The Council acknowledges that some people in the district may face discrimination every day because of their race, age, disability, gender, sexual orientation and other issues. Through disadvantage, discrimination and prejudice people are denied opportunity, find access to services more difficult and therefore suffer inequality.

South Kesteven District Council believes that everyone should be treated fairly and with respect. Our commitment is to recognise and understand the differences without creating an advantage for one group over another. The Council will continue to work to improve the quality of life for everyone in the district.

South Kesteven District Council Corporate Equality Scheme 2011 - 2014

This Equality Scheme has therefore been developed to recognise and value the diversity that exists in the district, and is based on principles of mutual respect, fairness and social inclusion. The aim of the Scheme is to help promote the ideals of proportionality, accessibility, and equality in everything we do.

6. The Law

The Equality Act 2010 became law on 1st October 2010 and brings together, in one place, the majority of all previous equality legislation.

The major pieces of legislation which are now included in and superseded by the Equality Act 2010 are:

- The Race Relations Act 1976
- The Race Relations (Amendment) Act 2000
- The Disability Discrimination Act 1995
- The Disability Discrimination Act 2005
- Sex Discrimination Act 1975
- Equal Pay Act 1970
- The majority of the Equality Act 2006
- Employment Equality (Religion or Belief) Regulations 2003
- Employment Equality (Age) Regulation 2006
- Equality Act 2006 (much of it)
- Equality Act (Sexual Orientation) 2007

The law rightly protects people from unfair discrimination because of their

- Race
- Disability
- Sex
- Age
- Sexual Orientation
- Religion or Belief
- Gender Reassignment
- Pregnancy and Maternity
- Marriage and Civil Partnership

These are known as protected characteristics.

The Act also sets out a public sector Equality Duty together with a schedule for implementation. The Duty has three aims:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

South Kesteven District Council Corporate Equality Scheme 2011 - 2014

Therefore, the Council has a responsibility to challenge unfair discrimination, wherever it happens, and is committed to doing so. We will work towards ensuring that people are not discriminated against because of a protected characteristic. In doing so we recognise that individuals do not fit neatly into categories and that some people may be affected by more than one form of discrimination.

Our commitment applies whether the Council is acting as an employer, a service provider, or as a purchaser to other organisations.

This means the Council must build equal opportunity into everyday business, policy-making, service delivery, procurement, employment practice and other roles.

Definitions of the various types of discrimination can be found in [appendix 1](#) of this document.

7. The Equality Framework for Local Government

We are committed to raising our performance in the management of equalities and diversity and being subject to open and external assessment against accepted standards of best practice.

The Equality Framework for Local Government recognises that equality cannot be achieved overnight and sets out three levels of improvement:

Developing → Achieving → Excellent

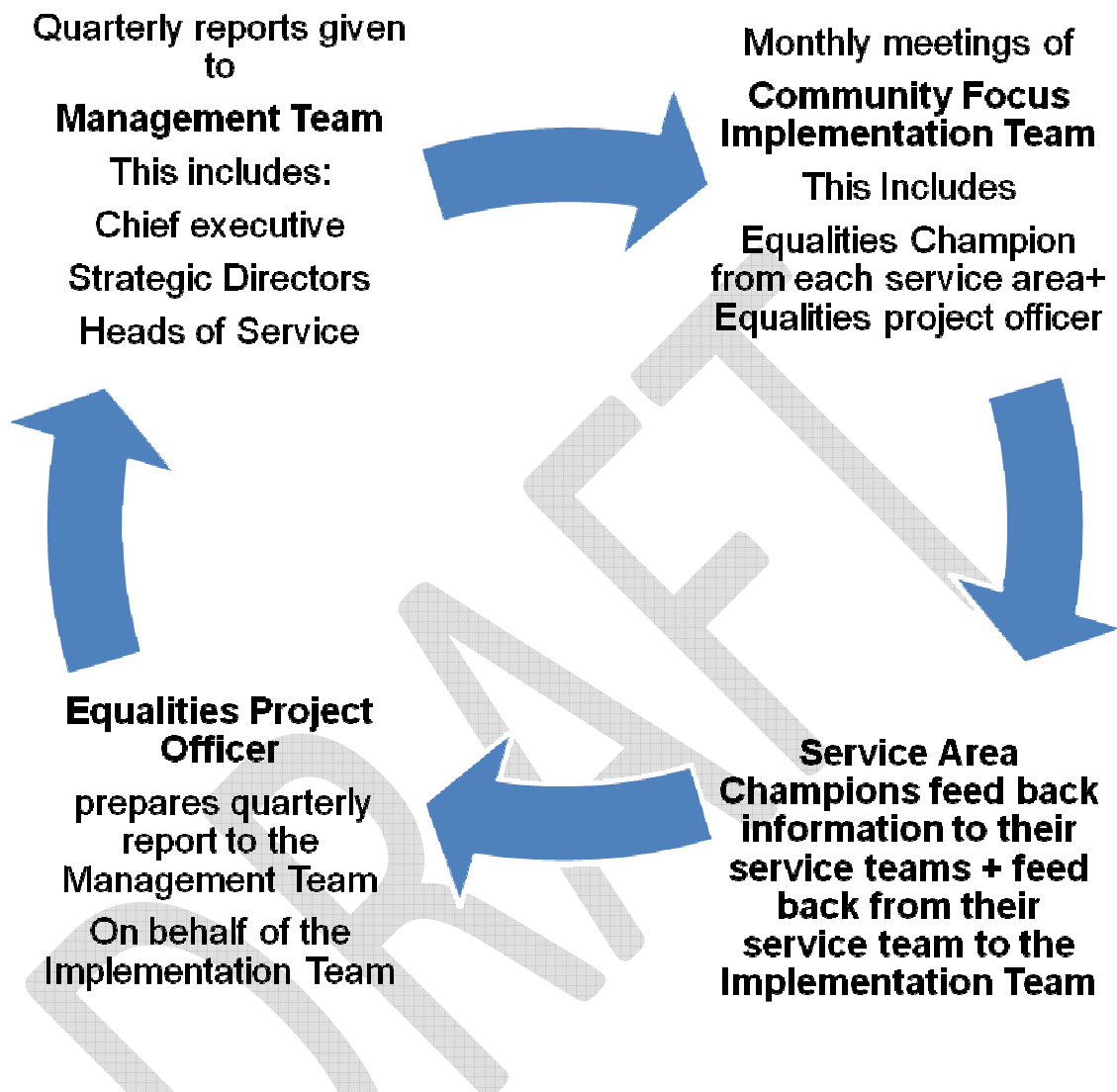
In 2006 the Council was externally assessed at Level 2 of the Equality Standard for Local Government which equates to Developing level on the Framework.

8. Management of the Council's commitment to Equality and Diversity

The Council's Management Team leads on our commitment to Equality and Diversity. The group is chaired by the Chief Executive and membership includes all Strategic Directors and Heads of Service.

The diagram below shows the relationship between the Management Team and the Community Focus Implementation Team responsible for progressing delivery and implementation plans and monitoring results and progress. All Council services are represented and involved in this work.

Equality and Diversity Management arrangements



9. Service Responsibilities

Managing service delivery is about providing appropriate services, according to need, for everyone in the district. We will do this by recognising the diversity of our customers and acting to ensure that individual needs are met proportionately through reasonable adjustments to services

We recognise that as well as monitoring the diverse needs of our communities across the district we also need to monitor progress in the way we deliver our services to ensure effective outcomes and that our practices are free from discrimination.

The Scheme requires service areas to monitor information about who uses their service, satisfaction levels across groups and to identify barriers to the take up of services which can be addressed by the Council.

10. Analysis of the Impact on Equality

In order to identify whether our service delivery affects the various groups identified in our community in either a positive or negative way, all service areas within the Council have undergone a rigorous equality analysis of their service delivery.

The results of the equality analyses are consulted on with representatives from minority groups to ensure that, as far as possible, all considerations have been taken into account.

Where areas for improvement in service delivery or any negative impact has been identified, we have taken reasonable and proportionate steps to address these issues.

A summary of each of the service area equality analysis is published on the Council's web-site and also made available in hard copy or alternative formats on request. The full and detailed equality analyses will be available to the public on request.

11. Access to Services and Information

We are committed to ensuring that all sections of the community have access to information about council services and access to the full range of services. Service areas are encouraged to provide their information in Plain English and to include the Council's translated message on all relevant publications, informing service users of the provision to request information in alternative formats.

We have implemented a variety of different ways to ensure that information about our services is widely distributed and understood. These include:

- The Council's website which offers people information about how to access our services and the local democratic process. The website can convert text into speech using SpeakIT Plus, it can enlarge text for people who require large print and there is a translation facility available.
- The Customer Services Centre is located in the Council Offices on St Peter's Hill, Grantham. From here experienced customer service advisors are available to offer residents assistance with their queries.
- Satellite customer service offices located in Bourne, Stamford and Market Deeping ensure that services and information are accessible to communities throughout the district.
- Information leaflets are available in alternative formats on request.
- A Language Line facility is available for members of the community who have a language need.
- Text Relay is available for those with a hearing impairment.

South Kesteven District Council Corporate Equality Scheme 2011 - 2014

Customers can access our services in a number of ways which include, telephone, face-to-face, visiting buildings, by letter, by e-mail, by text message and using the internet. We will also explore people's preferred method of contact with the Council on service matters and seek to identify and overcome barriers to access to services and information.

12. Positive Images and Language

We ensure that our communications and publications are easy to understand and use images and language that help to promote equality of opportunity and good community relations.

13. Consultation and Community Engagement

In order to successfully tackle inequality we must listen to people's views and work with communities as an essential part of informed decision-making. We use a variety of methods to gather the views of local people such as surveys, on-street consultation, community forums, organised events etc. We recognise that a targeted approach is required to engage successfully with some members of local communities. The Council has a consultation policy and toolkit to help ensure our consultation and engagement reaches the broadest possible range of people. We also have a Community Focus Forum which is made up of representatives from a wide range of our diverse communities. The Forum is consulted on a wide range of issues such as new or amended policies, service area equality analysis and the Equality Scheme.

14. Hate Crime Reporting

A key part of our commitment to eliminate discrimination, advance equality of opportunity and foster good relations in the community is to take action to tackle and prevent hate crime and hate incidents in the district.

Hate crime can affect all communities whether in towns or villages. Victims of such crime can often feel marginalised and isolated. It is therefore vital that as a service provider we are mindful of hate crime and incidents and take appropriate action where required.

Together with a wide variety of partners, the Council has played an active role in the development of a Lincolnshire-wide Hate Crime Strategy which encourages the reporting of hate crime through a variety of methods such as the Police, third party reporting centres and a 24 hour helpline Stop Hate.

We will continue to promote hate crime reporting by distributing information to the Community Focus Forum, in our customer service centres, on our web-site, by distributing leaflets to local minority community businesses and by training our employees on how to report hate crime.

15. Employment

Our workforce should reflect the diversity of the population of the district. We will try to achieve this by positively encouraging applications from those sections of the community that are currently under-represented in our workforce.

A workforce validation was conducted in 2009 - 2010 and during 2011. A report regarding our employment trends with regard to diversity issues is produced and published on an annual basis.

We will meet all our equality duties and employment regulations and ensure equal opportunities.

With regard to recruitment and selection we will ensure that practices and procedures reflect current best practice and that person specifications contain only criteria that are necessary to perform the duties of the post.

16. Learning and Development

We recognise that equality and diversity awareness training is crucial for all employees and Members of the Council. Such training will enable them to share the responsibility of promoting all aspects of equality both within the Council and with our external customers.

All employees are required to complete a diversity workbook and equality analysis training has been delivered to managers and other appropriate members of staff. More specific and targeted equality training needs will be delivered to front line staff.

We have a Community Focus area on the Council's intranet which gives employees and Members equality and diversity information e.g. demographic information for the district and at ward level, information and guidance regarding equality monitoring, guidance regarding analysis on the impact on equality and information on the Equality Act 2010 and the Equality Duty.

Members receive appropriate equalities training as part of their induction and ongoing development.

17. Equality and Diversity Action Plan

The aims of this scheme will be progressed through an equality and diversity action plan. The action plan will include service delivery and employment issues, contain specific, measurable and achievable targets, and will identify the resources required to deliver the objectives.

18. Complaints

We take complaints about the services we provide or about employees very seriously and complaints from members of the public that the Council has failed to comply with its responsibilities under the Equality Act 2010 will be handled under the Council's corporate complaints procedure.

We have grievance and disciplinary procedures in place and a policy on dealing with complaints of harassment relating to employees. We also have a Whistleblowing Policy. These policies and procedures will be used as appropriate to investigate complaints relating to Council employees in respect of responsibilities under the Equality Act 2010 and this scheme.

The Members' Code of Conduct and Standards Committee provide the mechanisms to address complaints about the conduct of elected members.

19. Feedback

Equality and diversity issues affect everyone, so it is important that we all understand the issues and are able to have our say. That is why we welcome feedback on our Equality Scheme. If you have any comments either positive or negative please send them to: The Equalities Project Officer, South Kesteven District Council, St Peter's Hill, Grantham, Lincolnshire. NG31 6PZ

Types of discrimination: definitions

Direct Discrimination

Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have (see perceptive discrimination below), or because they associate with someone who has a protected characteristic (see associative discrimination below).

Perceptive Discrimination

This is direct discrimination against an individual because others think they possess a particular protected characteristic e.g. the incorrect assumption that a person is gay or has a disability. This protection applies to age, race, religion or belief, sexual orientation and also covers disability, gender reassignment and sex.

Associative Discrimination

This is direct discrimination against an individual because they associate with another person who possesses a protected characteristic e.g. carers of older and disabled people. The protection applies to race, religion or belief, sexual orientation, age, disability, gender reassignment and sex.

Indirect Discrimination

Indirect discrimination occurs when there is a condition, rule, policy or practice in an organisation that applies to everyone but particularly disadvantages people who share a protected characteristic. Indirect discrimination can be justified if you can show that you acted reasonably in managing your organisation, i.e. that it is "a proportionate means of achieving a legitimate aim". A legitimate aim might be any lawful decision you make in running your organisation, but if there is a discriminatory effect, the sole aim of reducing costs is likely to be unlawful. Being proportionate really means being fair and reasonable, including showing that you have looked at being less discriminatory.

This protection applies to age, religion or belief, race, sex, sexual orientation, disability, gender reassignment and marriage and civil partnership.

Harassment

Harassment is "unwanted conduct relating to a person with a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual".

South Kesteven District Council Corporate Equality Scheme 2011 - 2014

Harassment applies to all protected characteristics except for pregnancy and maternity and marriage and civil partnership. Employees will now be able to complain of behaviour they find offensive even if it is not directed at them, and the complainant need not possess the relevant protected characteristic themselves. Employees are also protected from harassment because of perception and association.

Third Party Harassment

The Equality Act 2010 makes an organisation potentially liable for harassment of its employees by people (third parties) who are not employees of the organisation, such as customers or clients. The organisation will only be liable when harassment has occurred on at least two previous occasions, the organisation is aware that it has taken place but has not taken reasonable steps to prevent it from happening again.

This protection applies to sex, age, disability, gender reassignment, race, religion or belief and sexual orientation.

Victimisation

Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

There is no requirement to compare treatment of a complaint with that of a person who has not made or supported a complaint under the Act.

Consultation

The following groups and organisations were invited to take part in the consultation and to comment on the Equality Scheme:

African/Caribbean Social Group	Keyring
Age UK Lincoln	Lincolnshire Association for People with Disabilities
Alzheimer's Society	Lincolnshire Community Development Project
Boston Belles	Pink Lincs
Carers Connect	Mencap
ChristChurch Grantham	Midlands Health and Safety Executive
Churches Together in all Lincolnshire	Polish Club
Grantham Children's Centre	South Lincolnshire Blind Society
Grantham College	South Lincolnshire Community Voluntary Service
Grantham Disability Forum	Total Voice
Jubilee Christian Fellowship	South Kesteven District Council Implementation Team
Just Lincolnshire	South Lincolnshire MIND

REPORT TO CABINET

REPORT OF: Engagement and Corporate Services Portfolio Holder

REPORT NO: ENV550

DATE: 3rd October 2011

TITLE:	Adoption of Hackney Carriage and Private Hire Licensing Policy	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	Key Decision	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Cllr Paul Carpenter Engagement and Corporate Services Portfolio Holder	
CONTACT OFFICER:	<u>Mark Jones</u> Service Manager, Community Safety and Licensing 01476 406297 m.jones@southkesteven.gov.uk <u>Pam Robinson</u> Licensing Officer 01476 406138 p.robinson@southkesteven.gov.uk	
INITIAL IMPACT ASSESSMENT:	Carried out and referred to in paragraph (7) below	Full impact assessment required:
Equality and Diversity	Yes	No
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Your Council and Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	Report ENV472- Request for consultation to be carried out. Report ENV546- Post consultation report to Licensing Committee Draft Hackney Carriage and Private Hire Licensing Policy 2011	

1. RECOMMENDATIONS

- 1.1 That Cabinet note the contents of this report and adopts the Hackney Carriage and Private Hire Licensing Policy (Appendix 2) to be effective 1st January 2012

2. PURPOSE OF THE REPORT

- 2.1 The purpose of this report is to inform members of the recent Hackney Carriage and Private Hire Licensing Policy consultation exercise which provides the necessary information to allow members to endorse the recommendation as above. The report also provides background information regarding the licensing of hackney carriages and private hire vehicles.

3. DETAILS OF REPORT

Background

- 3.1 The Local Government (Miscellaneous Provisions) Act 1976 (“the 1976 Act”), as amended, places on South Kesteven District Council, as the Licensing Authority, a duty to carry out its licensing functions in respect of hackney carriages and private hire vehicles.
- 3.2 Although there is no statutory duty on local authorities to produce a policy regarding hackney carriage and private hire vehicle licensing, district councils are entitled to adopt a policy to guide and inform members, the trade and the general public on the standards it considers necessary in maintaining and improving standards of drivers and vehicles.
- 3.3 A modern, effective policy will ensure that the trade and the public will have a document that fully explains the licensing process. It will also ensure consistency of approach by officers and elected members when making decisions. The proposed policy, whilst comprehensive, aims to strike a balance that will be of benefit to the trade, the public and the Licensing Authority.
- 3.4 The policy promotes the key objectives as below. It provides clear guidance regarding the licensing process and also introduces a penalty points scheme for drivers and operators who are found to be in breach regulation and conditions.
- The protection of the public
 - The establishment of professional and respected hackney carriage and private hire trades
 - Access to an efficient and effective public transport service
 - The protection of the environment
 - The safety of the drivers

Consultation

- 3.5 The development of the Policy has been based upon a consultation process undertaken by the Licensing Team. The Policy format was devised having considered a range of Local Authority policies from across the country.
- 3.6 The consultation was undertaken between 20 May 2011 and 12th August 2011. The following stakeholders were consulted:
- Licence holders
 - Local trade organisations
 - Disability groups
 - Lincolnshire Police
 - Lincolnshire County Council
 - Local Authorities in Lincolnshire
 - General public
 - Vehicle and Operator Services Agency (VOSA)
 - Other authority services
- 3.7 A policy consultation page was created on the Council’s website which included a copy of the draft policy and an explanation of the process for making a representation.

- 3.8 The Authority communicated individually with the trade and put notices in satellite offices, libraries, on the council's website www.southkesteven.gov.uk, and on each taxi rank. The draft policy was also promoted in SKDC's magazine 'sk today' and at meetings with the trade in both the north and south of the district.
- 3.9 Responses in the main have been received from taxi operators and drivers. The main issues raised were:
- Age limit (vehicle)
 - The age limitation policy should dovetail with LCC's policy
 - Period of transition between old and new arrangements
 - Policy should address the problem of topographical testing
 - Penalty points
 - Minimum driver age
 - Access to rows of seats in MPVs
 - Displaying of hackney licence plates
- 3.10 The full responses received during the twelve-week consultation are available for inspection by Cabinet Members should they require it.
- 3.11 A schedule of comments received and the action taken in respect of these comments is attached at appendix 1 of this report.
- 3.12 The proposed new Licensing Policy is attached at appendix 2 of this report.

Following the close of the consultation period the main points of amendment to the original draft were:

- Introduce new policy 1st Jan 2012
- Introduce age of vehicle policy 1st July 2012
- Introduce age of vehicles to seven years maximum at application finishing their working life at ten years (12 years for purpose-built taxis).
- Dual plating of vehicles will not be allowed
- Existing licensed vehicles that are ten years or older at the implementation of the policy, (12 years or older for purpose-built taxis) be allowed to continue to be licensed for a maximum of two years beyond this agreed parameter providing they do not fail the compliance test.
- Policy clarified to show that the age exemption regarding prestige vehicles applies to private hire vehicles only.
- Door access – 'Each row of seats to have door access immediately adjacent to them' to be removed.
- Wheelchair accessible vehicles – wording amended to 'ramp or ramps for the loading of a wheelchair and passenger shall be available at all times'
- Display of licence plates – wording to be more robust to ensure the plate is displayed correctly and is clearly visible from the highway and by other road users.
- Roof Lights – up to the maximum sizes

3.13 Not all responses are referred to in appendix 1- for instance if the response was not a policy issue or the question had been misinterpreted. Any queries relating to these responses will be explained at the Cabinet meeting if necessary.

3.14 The results of the consultation exercise including recommendations as to how the policy should be amended were reported back to the Licensing Committee 5th September 2011. The Committee recommended that the revised policy be presented to Cabinet for adoption.

4. OTHER OPTIONS CONSIDERED

4.1 An alternative option would be to continue with the current licensing process, using the procedures that have been developed over a number of years, with no defined Hackney Carriage and Private Hire Licensing policy document.

5. RESOURCE IMPLICATIONS

5.1 There are no significant resource implications relating to the development and implementation of this policy.

6. RISK AND MITIGATION

6.1 None identified

7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT

7.1 None identified

8. CRIME AND DISORDER IMPLICATIONS

8.1 There are no direct crime and disorder implications relating to the policy.

9. COMMENTS OF FINANCIAL SERVICES

9.1 As confirmed in section 5 of this report that minimal costs associated within the implementation of this policy, therefore any resource required will be met within the existing budget framework.

10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

10.1 Whilst each individual licensing application or enforcement decision will be judged on its own merits, a policy will ensure a transparent and consistent approach to licensing that will reduce the opportunity for challenge through the courts. Any departure from the policy should be based on material evidence and documented giving clear and compelling reasons.

11. APPENDICES:

Appendix 1 – Schedule of comments and action taken

Appendix 2 – Proposed new policy



Hackney Carriage and Private Hire Licensing Policy

1 January 2012

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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 vehicles (outside London) to 1976.

1.1.2 The Local Government (Miscellaneous Provisions) Act 1976 ("the 1976 Act"), as amended, places on South Kesteven District Council, as the Licensing Authority ("the Authority"), a duty to carry out its licensing functions in respect of hackney carriages and private hire vehicles.

1.1.3 This document sets out the policy that the Authority will apply when making decisions about new applications and licences currently in force.

1.1.4 Regulation makes our society more secure. It protects customers and employees, it protects businesses and it protects the environment. Better regulation means maintaining and improving customer protection and at the same time providing the right environment for business to thrive. It shall be undertaken in a way that is effective, does not create unnecessary burdens, and is consistent, transparent, proportionate, accountable and fair.

1.2 Objectives

1.2.1 Hackney carriage and private hire vehicles play a vital and integral part in an integrated transport system. They also provide services in situations where other forms of transport are either not available (rural areas and late evenings) or for persons with mobility difficulties.

The Authority shall seek to promote the following objectives:

- the protection of the public;
- the establishment of professional and respected hackney carriage and private hire trades;
- access to an efficient and effective public transport service;
- the protection of the environment;
- the safety of the drivers

1.2.2 The Authority aims to regulate the service in order to promote the above objectives. It is the Authority's wish to facilitate well-run and responsible businesses, which display sensitivity to the wishes and needs of the general public.

1.2.3 When considering each of the policies detailed in this document, regard has been given to the *Statutory Code of Practice for Regulators* <http://www.berr.gov.uk/files/file45019.pdf> in order to ensure that each requirement is properly justified by the risk it seeks to address, balancing the cost of the requirement against the benefit to the public.

1.3 Best Practice Guidance

1.3.1 In formulating this policy, advice contained in the *Taxi and Private Hire Vehicle Licensing: Best Practice Guidance* issued by the Department for Transport in March 2010 has assisted the Authority together with local circumstances and operational requirements.

1.4 Status

1.4.1 In exercising its discretion in carrying out its regulatory functions, the Authority shall have regard to this policy document and the objectives set out above in 1.2.

1.4.2 Notwithstanding the existence of this policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Authority to depart substantially from its policy - clear and compelling reasons shall be given for doing so.

1.5 Implementation

1.5.1 This policy shall take effect from 1 January 2012 and the Authority expects new applicants for licences to comply with its terms immediately. It is acknowledged, however, that certain provisions may place financial obligations on existing licence-holders and accordingly a transitional period is implemented, during which, necessary changes must be made. Accordingly, the full weight of this policy regarding the vehicle age shall not take effect 1 July 2012.

1.5.2 The Authority will keep this policy under review and will consult where appropriate on proposed revisions.

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

1.6 Licensing Profile

1.6.1 A hackney carriage is a public transport vehicle with no more than 8 passenger seats, which **is** licensed to ply for hire. This means that it may stand at ranks or be hailed in the street by members of the public. A Private hire vehicle can only be licensed if it is constructed or adapted to seat up to 8 passengers. Private Hire vehicles must be booked in advance by customers through an operator and may not ply for hire in the street.

1.6.2 The Authority currently licences approximately 329 hackney carriages, 41 private hire vehicles and 24 private hire operators.

1.6.3 It has approximately 313 drivers licensed to drive hackney carriages, 38 licensed to drive private hire vehicles and 65 licensed to drive both (dual licensed).

1.7 Consultation

1.7.1 In preparing this policy the Authority has consulted with the following stakeholders:-

- Licence holders;
- Local trade organisations;
- Disability groups;
- Lincolnshire Police;
- Lincolnshire County Council;
- General public;
- VOSA;
- Other Authority services.

1.8 Partnership Working

1.8.1 The Authority will work in partnership with the following agencies to promote the policy objectives:-

- Local hackney carriage and private hire trades;
- Lincolnshire Police;
- Local residents;
- Disability groups;
- Service users;
- Vehicle and Operator Services Agency (VOSA);
- Lincolnshire County Council;
- HM Revenue and Customs;
- Department for Work and Pensions;
- Other Authority departments.

2 VEHICLES

2.1 Limitation of Numbers

2.1.1 No powers exist for licensing authorities to limit the number of private hire vehicles that they licence. The current legal provision on quantity restrictions for hackney carriages 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 hackney carriages in respect of which licences are granted, if, but only if, the person authorized to grant licences 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."

2.1.2 In line with the *Taxi and Private Hire Vehicle Licensing: Best Practice Guidance*, the Authority does not impose a quantity restriction on the licences that are issued in respect of hackney carriages.

2.2 Specifications and Conditions

2.2.1 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.

2.2.2 Government guidance suggests that they should adopt the principle of specifying as many different types of vehicle as possible and are encouraged to make use of the "type approval" rules within any vehicle specifications they adopt.

2.2.3 The Authority accepts that there are a wide range of vehicles available that are suitable for use as a hackney carriage or private hire vehicles. In accordance with central Government's guidance, all vehicles therefore shall have an appropriate 'type approval' which is either a:

- European Whole Vehicle Type approval;
- British National Type approval; or
- British Single Vehicle Approval (SVA) or subsequently an Individual Vehicle Approval (IVA).

As a guide, most large volume production vehicles produced in the UK and EU States after 1987 will satisfy British and/or European Whole Type Approval. Specialist vehicles or any vehicle that has been structurally modified, converted or imported from a non-EU State since its original manufacture will require separate IVA (SVA) and/or Department for Transport approval and such documentation must be submitted with an application.

2.2.4 The Authority shall impose such conditions as it considers reasonably necessary on hackney carriage and private hire vehicle licences. These vehicles provide a service to the public, so it is appropriate to set criteria for the standard of the external and internal conditions of the vehicle, provided that these are not unreasonably onerous.

2.2.5 **Appendix A** sets out the specification and minimum standards in respect of hackney carriages and for private hire vehicles.

2.2.6 Vehicles shall be licensed for the carriage of not more than 8 passengers. All applications for a licence in relation to vehicles that have a maximum capacity of 3 passengers shall be referred to the Licensing Committee.

2.3 Accessibility

2.3.1 Hackney carriages and private hire vehicles are an essential mode of transport for many disabled and older people. The combination of the personal service they offer, their wide availability and door to door operations enable them to respond particularly well to the travelling needs of people with disabilities.

2.3.2 The Authority will encourage the provision of wheelchair accessible vehicles.

2.3.3 The Authority is committed to social inclusion and ensuring a wide variety of opportunities is available to those with mobility difficulties in order to enjoy a high quality of life.

The Equality Act 2010 brings together in one Act a number of different pieces of legislation about discrimination, - including disability discrimination. The new Act includes many of the taxi and private hire (PHV) provisions which were in the Disability Discrimination Act 1995, but also includes some important changes.

The Authority considers it important that people with disabilities have access to all forms of public transportation.

2.3.4 In addition to the general conditions, accessibility for people with disabilities (including, but not only people, who need to travel in a wheelchair) is, therefore, an important consideration in respect of vehicles licensed as hackney carriages/private hire vehicles.

2.3.5 A good practice guide, "Making private hire services more accessible to disabled people" has been produced by the Disabled Persons Transport Advisory Committee and can be obtained from www.dptac.independent.gov.uk/pubs/phv.

2.4 Maximum Age of Vehicles

2.4.1 The *Taxi and Private Hire Vehicle Licensing: Best Practice Guidance* asks Licensing authorities to "support any local environmental policies that the local authority may have adopted". This would include any local vehicle emission standard.

2.4.2 The Authority will support any local environmental initiatives such as setting vehicle emissions standards or promoting cleaner fuels.

2.4.3 A further Government report suggests that, by adopting targeted air quality policies for road transport, significant reductions can be achieved for atmospheric pollutants. It highlights the impact that European-wide emission limits are having on improving air quality.

2.4.4 It is therefore considered that efforts should be made to improve, as far as is reasonable, the efficiency of vehicles licensed by the Authority, particularly in the emission of pollutants. Newer vehicles have improved fuel efficiency and will emit fewer pollutants, if they are properly maintained, than older vehicles. Vehicles manufactured prior to 1994 did not have to meet emission limits (Euro1 Technology).

2.4.5 In order to minimize the emission of atmospheric pollutants, an application for a new hackney carriage or private hire vehicle licence will not be accepted if it is seven years or older.

2.4.6 In exceptional circumstances, applications for the licensing of older vehicles i.e. which have undergone engine modification to current emission standard, will be referred to the Licensing Committee for consideration.

2.5 Vehicle Testing

2.5.1 The Authority needs to be satisfied that licensed vehicles operating within its area are safe to do so.

2.5.2 Hackney carriage and private hire vehicles are granted licences for a maximum period of 12 months. Prior to being granted a licence each vehicle shall be examined and tested at a vehicle testing station approved by the Authority. Once licensed the vehicle undergoes a further full examination and test at a vehicle testing station approved by the Authority at 6 monthly intervals.

2.5.3 Licensed vehicles that fail an authorised examination and test, **and**, are deemed unsafe as a passenger vehicle by the vehicle examiner, may result in the vehicle proprietor being issued with a suspension notice in order to prevent the vehicle being used to carry passengers until the defect(s) is/are remedied. The suspension will not be lifted until the vehicle has undergone a further test, at the proprietor's expense, and been passed as fit for use by the Authority. If the defect is not repaired within 2 months from the service of the suspension notice, the vehicle licence shall be revoked by the Licensing Officer.

2.5.4 A proprietor shall comply with any request by a Licensing Officer or Police Officer inspecting the vehicle who is not satisfied as to the fitness of the vehicle or the accuracy of any fitted meter. Either Officer may give a written notice to the proprietor of the vehicle to make the hackney carriage and/or taxi meter available for further inspection and testing at such reasonable time and place as may be specified, and the vehicle licence may be suspended until the Officer is satisfied as to the vehicle's fitness or as to the accuracy of the meter.

2.5.5 Proprietors of licensed vehicles are required to inform the Authority "as soon as reasonably practicable, and in any case within 72 hours of the occurrence thereof", (of) "any accident to such hackney carriage or private hire vehicle causing damage materially affecting the safety, performance or appearance of the hackney carriage or private hire vehicle or the comfort or convenience of persons carried therein".

2.6 Signage and Advertising

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

2.6.2 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" anywhere on the vehicle.

2.6.3 Roof signs fitted to hackney carriage vehicles shall be illuminated at all times when the vehicle is available for hire.

2.6.4 Vehicle identification plates are a key feature in helping to identify vehicles that are properly licensed.

2.6.5 All licensed vehicles, except those private hire vehicles deemed Prestige Vehicles by the Authority, shall display plates externally on the rear of the vehicle.

2.6.6 Vehicles shall not be allowed to display written or other material on any window with the exception of those permitted by the conditions of the licence and those required by law, such as road fund licence, or manufacturer's mark.

2.6.7 Licensed vehicle proprietors will be permitted, subject to prior written approval of the Authority, to display signs, advertisements, notices or other markings on the outside of their vehicle. However they shall be subject to the following conditions:

- All advertisements shall comply with the Committee of Advertising Practice Codes <http://www.cap.org.uk/The-Codes.aspx> and shall be in a form acceptable to the Authority.
- No advertisement shall relate to or advertise alcohol, smoking materials or be of a political or religious nature, organization or campaign;
- Advertising will be 2 dimensional in design and limited to the front and rear door panels;
- Any damaged or disfigured advertisement signs shall be immediately removed.

2.8 Driver Safety

2.8.1 The hackney carriage and private hire trades provide a valuable service, particularly late at night when other forms of public transport are not available. Security for drivers and passengers is of paramount importance. Licensed drivers deal with strangers, often in isolated places and carry cash and may be at risk of violence and other offences such as non-payment of fares, verbal and racist abuse.

2.8.2 There are a number of ways to reduce the risks such as pre-payment of fares, driver screens, CCTV surveillance systems and radio link schemes.

2.8.3 It is not proposed that measures such as CCTV should be required as part of the licensing regime, as it is considered that they are best left to the judgment of the owners and drivers themselves. The hackney carriage and private hire trades are, however, encouraged to consider the installation of CCTV systems in their vehicles on a voluntary basis.

2.8.4 CCTV security systems for the purpose of assisting driver safety are permitted in vehicles. If such devices are fitted, adequate signage shall be displayed in the passenger compartment advising passengers that they are being monitored/recorded. Any such equipment shall be fitted overtly and in such a way as not to present any danger or hazard to any passenger. It will be the driver/proprietor's responsibility to comply with all aspects of the law regarding such surveillance equipment.

2.8.5 In any licensed vehicle where a CCTV security system is fitted, the proprietor shall ensure that the system is properly maintained and serviced to ensure clear images are recorded. A minimum of two warning signs should be displayed prominently inside vehicles so as to be easily seen by passengers.

2.8.6 The Government has produced two short guidance documents for drivers which describe various precautionary measures that drivers can take to prevent violence as

well as offering practical advice on what can be done in the event of a threat or violent incident. These documents can be obtained by visiting www.dft.gov.uk/pgr/crime/taxiphv or by contacting the Authority.

2.9 Application Procedures

2.9.1 The application procedures for a hackney carriage or private hire vehicle licence are not prescribed in law, but shall be made on the specified application form produced by South Kesteven District Council <http://www.southkesteven.gov.uk> in accordance with the application procedure set out in **Appendix C**.

2.10 Consideration of Applications

2.10.1 The Authority shall consider all applications on their own merits once it is satisfied that the appropriate criteria have been met and the application form and supporting documents are complete.

2.10.2 The Authority does not allow dual plating of vehicles due to the difficulty in enforcing such practice and the confusion it can cause customers.

2.11 Renewal of Licences

2.11.1 Existing vehicle licence holders shall be reminded prior to their expiry date that their licences are due to be renewed. Please be advised that it is the licence holder's responsibility to ensure that licences are renewed prior to their expiry.

2.11.2 It is advised that vehicles should be examined and tested at one of the Authority's approved testing stations at least 7 days prior to the application appointment. This is to allow time for a vehicle to be repaired and then re-tested, should the vehicle examination identify the need, prior to the expiry of the licence.

2.12 Environmental Considerations

2.12.1 Hackney carriages and private hire vehicles are an essential form of transport in the South Kesteven area. Many people depend on hackney carriages and private hire vehicles for trips when other forms of transport are unsuitable. It is, however, clearly important that emissions from licensed vehicles are reduced as far as possible.

2.12.2 It is therefore important that efforts are made to improve, as far as possible, the efficiency of licensed vehicles by, in particular, reducing the levels of CO₂ emitted. Liquid petroleum gas (LPG) conversions are therefore acceptable. Any conversion to LPG must be undertaken by an approved converter and the conversion certificate produced to the Authority for inspection.

2.12.3 Emissions from licensed vehicles could be reduced further by encouraging better maintenance of vehicles and by switching off engines when stationary or idling, particularly at ranks. It is, however, proposed that this aspect be tackled through education and promotion.

2.12.4 The Authority would support initiatives which would be beneficial to the environment such as taxi sharing schemes and taxi and private hire vehicle buses.

2.13 Stretched Limousines

2.13.1 Stretched limousines are elongated vehicles that have been increasingly used for mainstream private hire work. The number of stretched limousines being imported, particularly from the United States of America, has been increasing. Their use generally includes all private hire work plus special occasions such as days at the races, stag and hen parties and children's birthday parties.

2.13.2 Licensing authorities have, in the past, considered there to be some problems preventing stretched limousines from being licensed including:

- some of the vehicles are capable of carrying more than eight passengers;
- many of the vehicles are left hand drive;
- many of the vehicles are fitted with all around darkened glass;
- many of the vehicles have been converted or modified after manufacture;
- seating space per passenger is 460mm and could give a greater capacity than eight persons;
- due to their origin - many parts may not be available, making adequate maintenance difficult.

2.13.3 Most limousines are imported for commercial purposes and were historically required to take a Single Vehicle Type Approval (SVA) test - this is now the Individual Vehicle Approval (IVA) scheme. The IVA Scheme is an inspection scheme for vehicles that are not approved to British and European Standards, and its purpose is to ensure that these vehicles meet modern safety standards and environmental standards before being used on public roads. When presented for IVA, the vehicle is produced with a declaration that it will never carry more than eight passengers. The importer must inform any person who may use it of this restriction. Any subsequent purchasers must also be informed of the restriction.

2.13.4 Any stretched limousines, which are offered for private hire, do of course require a licence. Before licensing for private hire a full insurance policy for private hire purposes will be required.

2.13.5 Applications to licence stretched limousines as private hire vehicles will be treated on their merits. It is, however, proposed that imported stretched limousine type vehicles be:

- authorized as prestige type private hire vehicles; and
- approved for licensing as private hire vehicles, subject to the additional conditions detailed in **Appendix B**.

2.14 Contract Vehicles

2.14.1 The Road Safety Act 2006 requires vehicles used under a contract with an organisation or company, for carrying passengers for hire or reward be licensed as private hire vehicles. As a general guide this shall include executive hire, chauffeur services including recovery from hot air balloon rides, park and ride for private car parks, airport travel, stretch limousines and novelty vehicles.

2.15 Prestige Type Vehicles

2.15.1 The 1976 Act gives a district council the discretion to grant a proprietor a dispensation from displaying the licence plate on their licensed private hire vehicle. Each application for a dispensation will be considered by the Licensing Officer on its own merits. The overriding consideration will be public safety.

2.15.2 The granting of any dispensation by the Authority will be confirmed in writing by the Licensing Officer and a copy of the dispensation shall be carried in the vehicle at all times and shall be produced to an Authorised Officer on request.

2.15.3 Dispensation will not be granted as a matter of course. The case for dispensation will have to be made by the proprietor. In determining an application it will normally be the status of the passenger and the executive nature of the work that will indicate whether or not the dispensation should be granted. The high quality of the vehicle being used will be supportive of an application, but will not be the sole determining factor.

2.16 Exempt Vehicles

2.16.1 Vehicles that are used solely in connection with a funeral, or are being wholly or mainly used by a person carrying on the business of a Funeral Director for the purpose of funerals, do not need to be licensed.

2.16.2 Vehicles that are used solely in connection with a wedding do not require a licence.

2.17 Smoking

2.17.1 From 1 July 2007 all public transport vehicles, which include hackney carriage and private hire vehicles, were required to be smoke free at all times.

3 DRIVERS

3.1 Parallel Procedures

3.1.1 The statutory and practical criteria and qualifications for a private hire driver are similar to those for a hackney carriage driver. The sections below, therefore, apply equally to private hire and hackney carriage drivers unless indicated.

3.2 Licences

3.2.1 Separate driver's licences shall be held in respect of driving hackney carriage and private hire vehicles. Where a licensed private hire driver wishes to drive a hackney carriage he will be required to hold a dual licence. Licences shall be issued for a maximum period of 12 months but the Authority shall grant licences for a lesser period if deemed appropriate.

3.2.2 Applicants shall be over 18 years of age and shall have held a full driving licence issued in the UK, the European Community (EC) or one of the other countries in the European Economic Area (EEA) for at least 12 months. In addition to the above, licensed drivers who hold an EC/EEA driving licence shall obtain a GB counterpart licence. If this document cannot be produced within 3 months of the licence being issued the licence will be suspended until production of the counterpart. Applicants with an EC/EEA driving licence shall also be required to obtain a GB counterpart document prior to the issue of a licence.

3.2.3 Applicants shall make a declaration that they have a statutory right to work in the UK and any applicant that has a limited right to work shall not be issued a driver licence for a period longer than that limited period.

3.2.4 Any applicant for a new or renewal licence shall be required to complete an application form and a statutory declaration and formally confirm any convictions, spent or otherwise, at the time of application or each renewal of their private hire or hackney carriage driver's licence. These forms ask for any time spent abroad and any convictions imposed in the UK or abroad. All the applicant's criminal convictions must be entered onto these forms, including spent convictions and cautions. It is an offence to knowingly or recklessly make a false statement or to omit information required by the Authority (Part II, Section 57, the 1976 Act).

3.2.5 A Criminal Record Bureau Disclosure shall be produced on application and every three years thereafter if subsequent renewal applications are made. Where an applicant has resided in the UK for less than 5 years, or has spent a period of 3 months or more within the last 5 years as a non-resident, the Authority will require a certificate of good conduct, obtained at the applicant's own expense, authenticated by the relevant Embassy of the country of residence. The applicant will also arrange for the certificate to be translated into English.

3.2.6 Applicants shall also provide a completed medical examination form supplied by the Authority and completed by their own General Practitioner, or a Doctor who has access to the applicant's medical history, on first application and every 3 years thereafter until aged 65 years or if they have a relevant medical condition, when annual examinations are required. This will be at the applicant's own expense. Application procedures are detailed in **Appendix C**.

3.3 Topographical Knowledge (Driver Knowledge Tests)

3.3.1 Hackney carriage drivers need a good working knowledge of the area for which they are licensed, because they can be hired directly at ranks or on the street. The Authority also considers it necessary for private hire drivers to know the area.

3.3.2 In order to assist the Authority in determining the fitness of an applicant to hold a hackney carriage or private hire driver's licence, applicants are required to undertake a communications test to challenge their understanding of the English language and numeracy, and a test to challenge their knowledge of the area within the district of South Kesteven.

3.3.3 The knowledge test must be taken within 2 months of receipt of the CRB disclosure. If this test is not taken within the two months, the applicant will be required to re-apply as a new applicant.

3.4 Driving Proficiency

3.4.1 The Driving Standards Agency (DSA) provides a driving assessment specifically designed for hackney carriage and private hire drivers.

3.4.2 This Authority believes that the standard DVLA driving test normally provides evidence of driving competency for drivers of hackney carriage and private hire vehicles in South Kesteven. It is considered that introducing a routine requirement that drivers pass the specific DSA test would not produce benefits which are commensurate with the costs involved.

3.4.3 First time applicants having more than 6 points (both current and expired accrued within a 4 year period) on their DVLA Driving Licence are required to pass the DSA test prior to the granting of the licence.

3.4.4 Existing drivers with 9 or more points (both current and expired accrued within a 4 year period) on their DVLA Driving Licence are required to pass the DSA test within 3 months from the time of accruing the points or their licence will be suspended until such time as the DSA test has been passed.

3.5 Driver Qualification

3.5.1 The Authority believes all passenger transport drivers, whose role demands high standards in driving and customer service, would benefit from a nationally recognised qualification. These would cover customer care - including how best to meet the needs of people with disabilities and other sections of the community - and also topics such as the relevant legislation, road safety, the use of maps and GPS, the handling of emergencies, and how to defuse difficult situations and manage conflict.

3.5.2 Applicants are encouraged to attain a Vocational Related Qualification (VRQ) in Transporting Passengers by Taxi and Private Hire or a National Vocational Qualification (NVQ) in Road Passenger Vehicle Driving. From April 2011 this has been replaced by the Qualifications and Credit Framework (QCF) BTEC Level 2 Certificate in Introduction to the Role of the Professional Taxi and Private Hire Driver (Level 2).

3.6 Medical Examination

3.6.1 The Authority requires Group 2 Standards of Medical Fitness, as applied by the DVLA to the licensing of lorry and bus drivers, as the appropriate standard for licensed hackney carriage and private hire drivers.

3.6.2 Holders of Public Service Vehicle (PSV) and/or Heavy Goods Vehicle (HGV) licences, where the holder is able to produce proof of current medical examination less than 3 months old, shall not be required to undergo a medical examination on first application.

3.6.3 Licence holders shall advise the Authority of any deterioration in their health that may affect their driving capabilities by the next working day.

3.6.4 Where there is any doubt as to the medical fitness of the applicant, the Authority may require the applicant to undergo and pay for a further medical examination by a Medical Doctor appointed by the Authority.

3.6.5 Where there remains any doubt about the fitness of any applicant, the Licensing Committee will review the medical evidence and make any final decision in light of the medical evidence available.

3.6.6 No licence shall be issued until medical clearance (if required) has been established.

3.7 Criminal Records Bureau (CRB) Disclosures

3.7.1 A criminal record check on a driver is seen as an important safety measure. A minimum of a Standard Disclosure through the Criminal Records Bureau is required.

3.7.2 The Rehabilitation of Offenders Act 1974 does not apply to applicants for both hackney and private hire drivers licences. They are required to disclose all convictions, including those that would normally be regarded as spent.

3.7.3 Before an application for a driver's licence will be considered, the applicant must apply for a CRB Disclosure of criminal convictions through the Licensing Section of South Kesteven District Council.

3.7.4 The Authority is an approved Criminal Records Bureau body. Applicants must deal with the Criminal Records Bureau through the Authority and will be charged an appropriate fee.

3.7.5 Applicants for renewal of a driver's licence are required to have a criminal record check from the CRB every third year.

3.7.6 The Authority is bound by rules of confidentiality, and will not divulge information obtained from the CRB report to any third parties. The applicant for a CRB disclosure will be sent a copy of the disclosure report to their home address, while the Authority may also receive a separate copy of the report.

3.8 Relevance of Convictions and Cautions

3.8.1 In relation to the consideration of convictions and police cautions recorded against persons, the Authority has adopted the policy set out in **Appendix D** under Relevance of Convictions.

3.8.2 In assessing whether the applicant is a fit and proper person to hold a licence, the Authority shall consider each case on its merit. It will take account of cautions and convictions, whether spent or unspent, but only in so far as they are relevant to an application for a licence. Upon receipt of a disclosure from the Criminal Records Bureau, a Licensing Officer will assess whether any or all of the convictions, and any additional information received, is capable of having real relevance to the issue of whether or not the applicant is a fit and proper person to hold a licence in line with the policy at **Appendix D**.

3.9 Application Procedure

3.9.1 An application for a hackney carriage or private hire driver's licence shall be made on the specified application form. The application procedure is set out in **Appendix C**.

3.10 Renewal of Licences

3.10.1 The licensing authority will aim to send a reminder by post to licence holders in the month preceding their expiry when their licences are due to be renewed but the responsibility is on the driver to renew in good time. Completed application forms, appropriate fees, and supporting documentation, as set out in **Appendix C**, must be submitted at the time of application. Licences cannot be renewed following their expiry.

3.11 Conditions of Licence

3.11.1 The Authority is not permitted to attach conditions to a hackney carriage driver's licence. It is, however, empowered to attach such conditions to a private hire driver's licence as are considered necessary.

3.11.2 The Authority considers that the conditions of licence as set out in **Appendix E** are reasonable, necessary and appropriate for all licensed private hire drivers.

3.12 Convictions – Licence Holders

3.12.1 Where offences, leading to conviction or police caution, are committed by licensed drivers, it is important - in the interests of consistency and transparency - that a procedure is in place to consider what effect this should have on their licence.

3.12.2 Drivers, who are convicted of any criminal or motoring offence or issued with a police caution during the currency of their licence, must disclose the conviction and the penalty imposed to the Authority, verbally by the end of the next working day followed up in writing within seven days of conviction.

3.12.3 If a licensed driver ceases to have a valid DVLA driving licence then their Hackney Carriage or Private Hire driver's licence issued by this Authority shall be deemed invalid.

3.12.4 Convictions, police cautions and breaches of legislation, licence conditions, byelaws and of this policy, by licence holders, shall be dealt with in accordance with this Authority's enforcement policy as set out at **Appendix I**.

3.13 Driver's Conduct

3.13.1 The standards expected of licensed hackney drivers are set out in sections 5 to 13 of the byelaws made under the Town Police Clauses Act 1847 and the Public Health Act 1875, which should be read in conjunction with the other statutory and policy requirements set out in this document. The byelaws are attached as **Appendix F**. Failure to comply with the requirements of the byelaws may result in action being taken which may affect the licence.

3.14 Dress Code

3.14.1 Anything that serves to enhance the professional image of the hackney carriage and private hire trade, and promotes the concept that drivers of licensed vehicles are vocational drivers, is to be welcomed. This would include drivers dressing in smart casual clothes

4 PRIVATE HIRE OPERATORS

4.1 Requirements and Obligations

4.1.1 Any person who operates a private hire service (who is not also a hackney carriage proprietor who permits hackney carriages to be used for private hire) must apply to the Authority for a Private Hire Operator's licence. The objective in licensing private hire operators is the safety of the public, who will be using operator's premises, and vehicles and drivers, arranged through them. But again, best practice, in respect of the controls required over private hire operators, is to ensure that the costs of any licence requirements are commensurate with benefits that they seek to achieve.

4.1.2 A private hire vehicle shall only be dispatched to a customer by a private hire operator who holds a Private Hire Operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a private hire vehicle. A private hire operator shall ensure that every private hire vehicle is driven by a person who holds a private hire driver's licence.

4.1.3 Applications for a Private Hire Operator's licence shall be made on the prescribed form, together with the appropriate fee. The Authority will then decide whether the applicant is a fit and proper person to hold a Private Hire Operator's licence.

4.2 Criminal Record Checks

4.2.1 Private hire operators are not exceptions to the Rehabilitation of Offenders Act 1974, so Standard or Enhanced disclosures cannot be required as a condition of grant of an operator's licence, but a Basic Disclosure from the Criminal Records Bureau nevertheless is seen as appropriate. Whilst at this time a Basic Disclosure is not available via the CRB in England and Wales, it can be obtained in Scotland for residents in England and Wales.

4.2.2 Before an application for a Private Hire Operator's licence will be considered, the applicant shall provide a current (less than 1 month old) Basic CRB Disclosure or police check. The CRB disclosure shall be produced on application and every three years thereafter if subsequent renewal applications are made unless they are currently licensed as a South Kesteven Hackney or Private Hire driver.

4.3 Conditions

4.3.1 The Authority has power to impose such conditions on a Private Hire Operator's licence as it considers reasonably necessary and these are set out in **Appendix H**.

4.4 Insurance

4.4.1 Before an application for a Private Hire Operator's licence is granted, the applicant shall produce evidence that they have taken out appropriate public liability insurance for the premises to be licensed.

4.5 Licence Duration

4.5.1 The Department for Transport considers that annual licence renewal is not necessary or appropriate for private hire operators. They recommend, as good practice, that a licence period of five years would be reasonable. However, although the operator will not have as much direct contact with the public as a driver, an operator will be privy to confidential information on bookings, and this Authority considers a five year period to be too long.

4.5.2 This Authority shall grant Private Hire Operator licences for a period of one year from the date of grant, subject to the power to grant a licence for a shorter period should this be appropriate in the circumstances.

4.5.3 Holders of existing Private Hire Operator licences shall be reminded, in the month preceding their expiry, when their licences are due to be renewed.

5 DISCIPLINARY AND ENFORCEMENT MEASURES

5.1 Enforcement

5.1.1 The Government believes that regulators should have access to effective sanctions that are flexible and proportionate and that ensure the protection of workers, consumers, and the environment when tackling non-compliance by businesses.

5.1.2 It is recognised that a risk-based approach to enforcement by the Authority benefits not only the public, but also the responsible members of the hackney carriage and private hire trades.

5.1.3 In pursuance of its objective to encourage responsible hackney carriage/private hire businesses, the Authority shall operate a firm but fair disciplinary and enforcement regime. With a view to balancing the promotion of public safety with the need to permit individuals to safeguard their livelihood without undue interference, the Authority will only intervene where it is necessary and proportionate to do so, having regard to the objectives outlined in section 1.2.1 of this document. Where defects are such that vehicles need to be immediately prohibited, livelihood interference is inevitable.

5.1.4 The Enforcement Policy as set out at **Appendix I** will ensure that the Authority's enforcement effort is reasonable, transparent and well directed.

5.2 Disciplinary Hearings

5.2.1 Disciplinary matters are considered by the Authority's Licensing Committee.

5.3 Penalty Points Scheme and Warnings

5.3.1 In respect of minor breaches of licence conditions, the Authority shall issue penalty points, warnings and cautions, as are appropriate to the circumstances. The Penalty points scheme is included at **Appendix J**.

5.3.2 A licence holder issued with penalty points may appeal against such a decision which will result in a hearing before the Licensing Committee.

5.4 Suspension of Vehicle Licences

5.4.1 Licensed vehicles shall be kept at all times in an efficient, safe, tidy and clean condition. Compliance with the vehicle specifications and conditions of licence is essential and will be enforced by periodic, random vehicle inspections by the Authority. Where it is found that any vehicle is not being properly maintained a Vehicle Defect Notice will be served on the vehicle proprietor setting out the defect(s) that need to be rectified, and arrangements for the vehicle to be further inspected to check compliance. This notice will be used by Authorised Officers where the defects are not deemed serious. Failure to comply with the requirements of the notice may result in the vehicle licence being suspended automatically.

5.4.2 Where public safety is likely to be put at risk by the defect(s) a Suspension Notice shall be served on the vehicle proprietor who must have the vehicle repaired. The suspension will not be lifted until the vehicle has undergone a further test, at the proprietor's expense, and been passed as fit for use by the Authority. If the defect is not repaired within 2 months from the service of the suspension notice, the vehicle licence shall be revoked by the Licensing Officer.

5.5 Revocation and Suspension of Licences

5.5.1 Where a licence holder has been referred to the Licensing Committee, the Committee may order the revocation or suspension of the licence.

5.6 Prosecution

5.6.1 The Authority shall prosecute licence holders for relevant offences in accordance with the statutory Regulator's Compliance Code and its own enforcement policy.

5.7 Complaints

5.7.1 Complaints regarding licensed drivers, operators and vehicles can be reported to the Authority's Customer Service Centre. All complaints will be investigated by a Licensing Officer in accordance with our service standards and enforcement policy.

6 OFFENCES

6.1.1 The relevance of offences and convictions for prospective applicants is outlined in **Appendix D** and for existing licence holders in **Appendix I**.

7 DELEGATED POWERS

7.1 Licensing Committee

7.1.1 The Licensing Committee of the Authority is responsible for the management of the Hackney Carriage and Private Hire Licensing regime in the district, along with the formulation and review of its policy in this regard.

7.1.2 The Licensing Committee of the Authority has delegated its authority to act as authorised officer and authorise officers to act for the purposes of licensing hackney carriage and private hire vehicles under the provisions of the 1976 Act and the Town Police Clauses Act 1847 and exercise the powers of the Authority in respect of specific offences. The full details of the delegated powers can be found in the Authority's Constitution.

8 FARES

8.1 General

8.1.1 The Authority has deregulated fares, in that proprietors may set their own rates. Prior to charging the deregulated fare, a copy is to be deposited with the Authority.

8.1.2 A Hackney Carriage Default Table of Fares ("the tariff") is set by the Authority for those proprietors that do not wish to set their own fees. A copy of the default table of fares will be provided to each applicant on request.

8.1.3 The Authority shall review the Default Table of Fares annually. A notice of any variation to the default scale shall be advertised by the Authority in a paper circulating in the district, with a date set of 14 days from publication for making objections to the proposed variation. If no objections are received the fare variation will have immediate effect at the end of the 14 day consultation period. If any objections are received the matter will be referred to the Licensing Committee for consideration and a further implementation date set.

8.1.4 The Authority is not able to set fares for private hire vehicles.

8.1.5 When a journey ends outside the district boundaries of the Authority a fare greater than that that would have been shown on the meter may be charged **but only if an agreement has been made with the hirer in advance.**

8.2 Table of Fares

8.2.1 A table of fares that has been registered with the Authority, or the Authority's Default Table of Fares, must be displayed in each vehicle so that it is easily visible to all hirers.

8.2.2 Private Hire Operators that use licensed vehicles fitted with a fare meter shall provide the Authority with a current table of fares. This table must also be displayed in each private hire vehicle so that it is easily visible to all hirers.

8.3 Receipts

8.3.1 Drivers shall, if requested by the passenger, provide written receipts for fares paid.

9 FEES

9.1 Fee Structure

9.1.1 The legislation provides that fees charged to applicants should be sufficient to cover the costs of inspecting the vehicles, providing hackney carriage stands (taxi ranks) and administering the regulation of the hackney carriages and private hire trades.

9.1.2 The Authority shall review the fee structure annually. A notice of any variation to the current scale of charges for vehicles and operators shall be advertised by the Authority in the local newspapers circulating in the district of the Authority, with a date set of 28 days from publication for making objections to the proposed fee. If no objections are received, or if all objections are withdrawn, the new fees will come into force on the date of the expiration of the period or the withdrawal of the objection, whichever is the later. If any objections are received the matter will be referred to the Licensing Committee for consideration and a further implementation date set, which will not be later than two months after the initial date on which the new fee shall come into force, with or without modification after considering the objections.

9.2 Payment Refunds and Transfers

9.2.1 The appropriate fee must be paid when the application is submitted.

9.2.2 A charge will be levied to cover the administrative costs associated with the transfer of ownership of a vehicle or refusal of any application.

9.2.3 Proprietors who change their vehicle part way through the licensing period will be eligible for a credit towards their new vehicle's licence. This will be at a proportion of the annual fee, based on each full month remaining on the licence, less one full month as an administration fee.

9.2.4 Except under exceptional circumstances, drivers or vehicle licences surrendered prior to their expiry shall not be eligible for a refund of the unexpired portion of the licence.

10 HACKNEY CARRIAGE STANDS

10.1.1 The purpose of hackney carriage stands is to provide the public with a set location where they can hire a licensed hackney carriage. The stand is the only situation where a hackney carriage may ply for hire in a stationary position and shall be situated in locations where the public most need hackney carriages, for example - adjacent to transport facilities, retail areas and places of employment, entertainment and leisure facilities. Stands are sited so that passengers can board or alight from the vehicle safely. Stands can be for continual or part time use.

10.1.2 The provision of hackney carriage stands is not a legal requirement and may be removed or relocated at the discretion of the Authority.

10.1.3 Details of all public taxi ranks in the area are attached at **Appendix K**.

APPENDIX A

VEHICLE SPECIFICATION AND CONDITIONS OF LICENCE FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

New Applications

Only those vehicles which comply with the specification detailed below can be granted a hackney carriage or private hire vehicle licence by South Kesteven District Council.

Existing Licensed Vehicles

Vehicles which are 10 years (12 years for purpose built) and older at the time of the implementation of the policy and are currently licensed as Hackney Carriage or Private Hire Vehicles by the Authority, will continue to be licensed on renewal, subject to a Compliance Certificate being in place and providing the application is made before the expiry of the existing licence for a maximum period of two years.

Vehicle Age

Any application for the grant or renewal of a hackney carriage or private hire vehicle licence, where the vehicle (other than a limousine or a prestige vehicle (private hire only)), at the time of application, is more than 10 years old for a car and 12 years old for a purpose built vehicle ,will not be licensed.

THE SPECIFICATION

1 General

1.1 Where vehicles have not been manufactured in the UK or imported by the manufacturer, they shall have an appropriate "Type Approval" which is either an EC Whole Vehicle Type Approval (ECWVTA) or British National Type approval. Vehicles shall not have been altered since that approval was granted. An Individual Vehicle Approval (IVA) may be accepted for wheelchair accessible vehicles. Vehicles presented for approval, and while in use, shall comply with the Road Vehicles (Construction and Use) Regulations 1986 and any subsequent amendment or re-enactment thereof.

1.2 No fittings, other than those approved in this policy or required in the twice yearly examination and test by the authorised testing station, may be attached to or carried on the inside or outside of the vehicle.

2 Dimensions

2.1 The vehicle shall be of such a size as to enable easy access to the interior of the vehicle by an adult.

3 Body

3.1 The vehicle shall have no signs of previous significant accident damage.

3.2 The paintwork shall be of a professional finish and be one consistent colour over the whole of the vehicle's bodywork.

3.3 The bodywork shall have no untreated or unrepaired body defect or significant signs of corrosion. Corrosion includes visible rust and signs of rust by virtue of the paintwork being blistered. All rust spots and repairs in excess of 10 millimetres diameter are to have been prepared and repainted with matching colour up to insurance finishing standard.

3.4 Running boards shall only be permitted where they are fitted by manufacturers.

4 Wheels

4.1 The vehicle shall have four road wheels.

4.2 Space-saver spare tyres, where fitted as standard equipment to the vehicle, will be accepted. Provision shall be made for a standard road wheel to be secured in the vehicle should a space saver tyre be used in an emergency. A vehicle presented for examination and test with a space saver spare tyre in use as a road wheel will fail the test.

4.3 Any spare wheel shall conform to construction and use regulations.

4.4 A wheel brace and jack to enable the effective change of a tyre and wheel shall be carried, except where Paragraph 4.5 applies.

4.5 Where an aerosol inflation and sealant device is supplied with the vehicle as standard by the manufacturer, a spare tyre need not be carried.

4.6 If a vehicle is fitted with 'run flat' tyres, the vehicle shall be fitted with a tyre pressure sensor / warning device.

5 Steering

5.1 It is recommended that all vehicles should be right hand drive but left hand drive vehicles will be considered.

6 Interior

6.1 The interior of the vehicle is to be kept in a clean and tidy condition at all times.

7 Doors

7.1 The vehicle shall have a minimum of 4 opening doors that are easily accessible to passengers.

7.2 All vehicles shall have doors that open sufficiently wide to allow easy access and egress from the vehicle.

7.3 All doors shall be capable of being readily opened from the inside and outside of the vehicle by one operation of the latch mechanism.

7.4 The interior door handle shall be clearly visible and easily accessible to passengers.

8 Seats

8.1 Vehicles shall have a passenger seating capacity of not less than 3 persons and not more than 8 persons.

8.2 Each seat shall be fitted with fully operational seat belts, compliant with British Standards, except where the law specifically provides an exemption.

8.3 Where seat covers are used they shall be properly affixed to the seat so as not to become loose during use. They shall be clean and devoid of damage of any kind.

9 Windows

9.1 Opening windows shall be provided in the rear of the vehicle capable of being opened by the rear seat passengers.

9.2 Vehicle windows shall have visual transmission of light of not less than 70% in respect of windscreens and windows to the side of the driver.

9.3 No vehicle shall be fitted with any form of additional film to darken or tint the glass on any part of the vehicle.

10 Heating and ventilation

10.1 Vehicles shall have an efficient heating and ventilation system.

11 Wheelchair carrying facilities

11.1 Any vehicle that has the facility for the carriage of wheelchair(s) and wheelchair passengers shall be fitted with:-

- approved anchorages that shall be either chassis or floor linked and capable of withstanding approved dynamic or static tests. Restraints for wheelchair and passengers shall be independent of each other. Anchorages shall also be provided for the safe storage of a wheelchair, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints shall be so designed that they do not cause any danger to other passengers.
- a ramp or ramps for the loading of a wheelchair and passenger shall be available at all times. An adequate locking device shall be fitted to ensure that the ramp(s) do not slip or tilt when in use. Provision shall be made for the ramps to be stored safely in the vehicle when not in use.

11.2 The vehicle shall be equipped with a manufacturer's user manual/guide on the safe loading and unloading and security of wheelchair passengers.

11.3 Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle shall have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) immediately prior to being first licensed and at each subsequent twice yearly test and be so certified and submitted at the time of renewal.

12 Fuel systems

12.1 Before commencing any gas fuel conversions it is essential that written approval is sought from the Authority. The guidelines set out below give indication of current requirements.

12.2 All vehicles which are powered by Liquefied Petroleum Gas (LPG) or Compressed Natural Gas (CNG) shall comply with all the relevant legislation set out in the Road Vehicles (Construction and Use) Regulations 1986 (as amended).

12.3 LPG conversions shall also comply with the current LP Gas Association's, Code of Practice 11 Autogas Installations. Conversion shall still comply with Road Vehicles (Construction and Use) Regulations 1986.

12.4 Compressed Natural Gas (CNG) vehicles shall comply with current guidelines. Conversion shall still comply with Road Vehicles (Construction and Use) Regulations 1986 and certain additional safety features as required by the Authority.

12.5

- An appropriate certificate of installation shall be provided to the Authority at the time of inspection;
- An annual exhaust emissions test certificate shall be provided when the vehicle is presented for licensing;
- An appropriate certificate of LPG / CNG Fuel Tank Integrity will be required and subsequently an annual system inspection certificate.

12.6 An exemption may be granted to LPG / CNG vehicles requiring them to carry a spare wheel. This would be subject to individual application and the provision that the driver of such a vehicle subscribes to a tyre repair/replacement or vehicle breakdown organisation.

13 CCTV Systems

13.1 CCTV surveillance systems to assist driver safety are permitted in vehicles. If such devices are fitted, adequate signage shall be displayed in the passenger compartment advising passengers that they are being monitored / recorded. Any such equipment shall be fitted overtly and in such a way as not to present any danger or hazard to any passenger. It will be the driver / proprietor's responsibility to comply with all aspects of the law regarding such surveillance equipment.

14 Tyres

14.1 All tyres, including the spare tyre, shall comply with the vehicle manufacturer's specification.

14.2 Re-cut tyres are not acceptable for vehicles that are internationally classified as M1 passenger vehicles and remould tyres shall only be acceptable if they carry a recognised approval marking (BSAU144e) and display:-

- Nominal size;
- Construction type (e.g. radial ply);
- Load capacity; and
- Speed capability.

15 Electrical equipment

15.1 Any additional electrical installation to the original equipment shall be adequately insulated and be protected by suitable fuses.

HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE CONDITIONS OF LICENCE

16 Examination and test

16.1 Before a licence is granted for the use of a vehicle as a hackney carriage or private hire vehicle, the vehicle shall be examined and tested by an Authority approved testing station. Once licensed the vehicle undergoes a further full examination and test at a vehicle testing station approved by the Authority at 6 monthly intervals.

16.2 Licensed vehicles that fail an authorised examination and test, **and**, are deemed unsafe as a passenger vehicle by the vehicle examiner, will result in the vehicle proprietor being issued with a suspension notice in order to prevent the vehicle being used to carry passengers until the defect(s) is/are remedied. The suspension notice will be served on the vehicle proprietor who must have the vehicle repaired. The suspension will not be lifted until the vehicle has undergone a further test, at the proprietor's expense, and been passed as fit for use by the Authority. If the defect is not repaired within 2 months from the service of the suspension notice, the vehicle licence shall be revoked by the Licensing Officer.

17 Licence Identification Plates

17.1 The proprietor of a hackney carriage or private hire vehicle shall fix, to the vehicle, licence identification plates of the size, colour, design and type supplied by the Authority.

17.2 The proprietor shall ensure that the licence identification plate is securely fixed to the rear exterior of the hackney carriage or private hire vehicle in such a position as the vehicle registration plate is not obscured, with the particulars thereon facing outwards and in such a manner and place that the licence is clearly visible from the highway and by other road users. The plate must not be placed on the rear window of the vehicle. Prestige vehicles operators who have applied for and been granted a dispensation by the Authority to display a licence identification plate on the rear of the vehicle, shall carry a copy of the dispensation in the vehicle at all times and this shall be produced to a Licensing Officer/Police Officer on request.

17.3 The proprietor shall ensure that an approved holder displaying a hackney carriage or private hire driver badge and a vehicle licence identification card, as supplied by the Authority, is displayed in a position for all passengers to clearly see.

17.4 The proprietor shall ensure that no licence identification plate be displayed other than the plates issued by the Authority, and the said plate shall be displayed only on the vehicle to which it relates.

17.5 The licence plate(s) shall remain the property of the Authority and shall be returned to them within seven days, following the service on the proprietor of an appropriate notice by the Authority and in the event of the hackney carriage or private hire vehicle licence ceasing to be in force in respect of the vehicle.

18 Signs and Notices

18.1 Vehicles shall not display roof signs or allow any other signs or advertising below roof height without the prior approval of the Authority.

18.2 On the dashboard of the vehicle or on the windscreen, in a position for passengers to clearly see, there shall be displayed an internal licence identifying the vehicle licence details as provided by the Authority.

19. Receipt book

19.1 The proprietor of a hackney carriage or private hire vehicle shall ensure that a carbon receipt book is available in the vehicle at all times. A receipt will be given on request and each receipt shall show as a minimum the following particulars:-

- Date of journey;
- Details of journey (i.e. where from/to);
- Badge number of driver; and
- Amount paid.

20 Luggage

20.1 The proprietor shall at all times provide facilities for the conveyance of luggage safely and protected from inclement weather.

20.2 Where luggage is stored other than in a boot (e.g. in an MPV), it shall be properly secured.

21 Property

21.1 Any property left accidentally in the vehicle by passengers, if not claimed by or on behalf of its owner, shall be taken to a local Police station within 48 hours and reported as 'found property'.

22 Furnishing and maintenance of vehicle

22.1 The proprietor shall ensure that the vehicle, all its fittings and equipment at all times when the vehicle is in use or available for hire as a hackney carriage or private hire, is kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements (including in particular those contained in the Road Vehicles (Construction and Use) Regulations 1986) shall be fully complied with.

22.2 Where a separate compartment is provided for passengers, the proprietor shall provide sufficient means by which any person in the compartment may communicate with the driver.

22.3 The proprietor shall at all times provide adequate lighting and heating for the interior of the vehicle.

23 Advertisements

23.1 Licensed vehicle proprietors will be permitted, subject to prior approval of the Authority, to display signs, advertisements, notices or other markings on the outside of their vehicle. However they shall be subject to the following conditions:

- All advertisements shall comply with the Committee of Advertising Practice Codes or successor body;
- No advertisement shall relate to or advertise alcohol, smoking materials or be of a political or religious nature, organization or campaign;
- Advertising will be 2 dimensional in design and limited to the front and rear door panels;
- Any damaged or disfigured advertisement signs shall be immediately removed.

24 Communication Devices

24.1 Where apparatus for the operation of a two-way radio system is fitted to a vehicle, no part of the apparatus shall be fixed in the passenger compartment or in the rear boot compartment if LPG or CNG tanks or equipment are in use.

24.2 Any radio apparatus shall be so positioned and properly secured so as not to interfere with the safe operation of the vehicle.

24.3 No other radio equipment, either in the driver or the passenger compartment, is permitted without the prior approval of the Authority.

25 Auxiliary equipment

25.1 Any auxiliary equipment that is fitted to a vehicle shall not impede the driver in any way or hinder his/her view, impede or cause hazard to passengers or other road users.

26 Convictions including cautions and fixed penalties

26.1 Proprietors shall within seven days of conviction, disclose to the Authority, in writing, details of any convictions including formal cautions and fixed penalty notices received during the period of the licence.

27 Change of Address

27.1 The proprietor and drivers of vehicles shall notify the Authority, in writing, of any change in name and address within seven days of such a change taking place.

Additional requirements for Hackney Carriage Vehicles

28 Taxi Signs

28.1 Licensed hackney carriages must carry a roof sign capable of internal illumination of the dimensions set out below with lettering not exceeding 76mm in height on the forward and/or rear faces only. The sign may bear the name of the proprietor and/or the word 'TAXI' and/or the telephone number of the firm and shall be illuminated at all times that the vehicle is available for hire.

28.2 The roof sign, as required in 28.1 above, shall not exceed the following dimensions:

Width (across vehicle) – 600mm
Depth (front and back) – 200mm
Height – 210mm

29 Taximeters

29.1 A licensed hackney carriage vehicle shall be fitted with a taximeter.

29.2 The taximeter and fittings shall be fixed to the vehicle with seals or other appliances, so as not to be practicable for any person to tamper with them by breaking, damaging or permanently displacing the seals or other appliances.

29.3 The taximeter shall be positioned so that all letters and figures on its face shall be at all times illuminated and plainly visible to any passenger.

29.4 The taximeter when standing at a rank or plying for hire shall be kept locked in a position in which no fare is recorded on its face.

29.5 When the taximeter is operating there shall be recorded on the face of the meter in clearly legible figures a fare not exceeding the maximum fare that shall be charged for a journey.

29.6 If the taximeter has been altered for whatever reason, the proprietor of the vehicle shall forthwith make arrangements for resetting and resealing with the approved meter agent.

29.7 The vehicle taximeter shall be brought into operation at the commencement of **all** hires and the fare demanded by the driver shall not be greater than that shown on the meter and fixed by this Authority. In the event of a hire ending outside the Authorities boundary, the fare that may be charged for the journey is such fare or rate of fare, if any, as was agreed before the hiring was effected. If no such agreement was made at the start of the journey then the fare to be charged should be no greater than that that would have been shown on the taximeter.

30. Table of fares

30.1 The proprietor shall ensure that the current table of fares for that vehicle is on display inside the vehicle at all times and is not concealed from view or rendered illegible.

Additional requirements for Private Hire Vehicles

31. Meters

31.1 If the vehicle is fitted with a meter for recording the fare it shall display and maintain the statement of fares inside the vehicle in such a position as to be clearly visible at all times to the hirer. The statement of fares shall include the following information:

- The minimum hire charge;
- The rate charged per mile;
- Any additional charges.

31.2 The meter shall:-

- be fitted in a position where it is not easily visible from outside the vehicle;
- be checked and sealed by an authorized meter agent before it is used;
- not display a "For Hire" sign at any time;
- be fitted in such a position that its figures are clearly visible to passengers and that it is sufficiently illuminated; and
- be fitted to the vehicle with seals or other appliances, so as not to be practicable for any person to tamper with them by breaking, damaging or permanently displacing the seals or other appliances.

31.3 If a meter is fitted, the fare charged shall not exceed that stated in the statement of fares as displayed in the vehicle unless a rate has been separately agreed between the hirer and the licensed Private Hire Operator at the time of booking and prior to the journey commencing.

32 Trailers and Roof Carriers

32.1 The vehicle may tow a trailer but shall:

- comply with the towing weights specified by the vehicle's manufacturer;
- provide secure and weatherproof storage for luggage;
- display the licence plate on a platform kit at the rear.

32.2 If a roof carrier is to be used for luggage or goods, in addition to normal luggage, it shall be of a type fitted to the guttering or to the roof rails provided by the vehicle's manufacturer.

33 Taxi Signs

33.1 The proprietor of a private hire vehicle shall not display, or suffer or permit to be displayed on a private hire vehicle, any sign or notice which consists of or includes the word TAXI or CAB whether in the singular or plural or FOR HIRE or any word or words of similar meaning or appearances to any one of those words, whether alone or as part of another word.

APPENDIX B

ADDITIONAL CONDITIONS FOR PRIVATE HIRE LIMOUSINES

1. DEFINITION OF A LIMOUSINE

1.1 For the purposes of this policy and licence conditions, a stretched limousine is defined as follows: -

1.2 A stretched limousine is a motor vehicle that has undertaken a Ford Motor Company Qualified Vehicle Modifier (QVM) or Cadillac Master Coachbuilder (CMC) or an equivalent conversion programme resulting in its lengthening by an additional body section that is:-

- capable of carrying up to but not exceeding 8 passengers.

2. PRE-LICENSING REQUIREMENTS AND LICENSING CONDITIONS

	Issue	Licence Condition	Justification
1.	Left hand drive vehicles	Permit left hand drive limousines to be licensed.	The majority of stretched limousines are imported from the United States of America and are left hand drive. The Department for Transport has recommended that Authorities should not refuse to licence limousines simply because they have characteristics which contravene their existing policy, i.e. left hand drive.
2.	Sideways Seating	Permit limousines with sideways facing seating to be considered for private hire vehicle licensing, but no seat must be positioned so that it permanently obstructs any door.	A main characteristic of stretched limousines is their sideways facing bench seats. In line with the Department for Transport guidance the Authority will consider the suitability of limousines with sideways seating for licensing.
3.	Signage	Provided that they have received written consent from the Authority - limousines may, in certain circumstances, not be required to display identification signs required by other private hire vehicles.	Signage serves to distinguish private hire vehicles from ordinary saloon cars and to make them clearly identifiable to the public. However, the naturally distinctive appearance of stretched limousines means that they are very unlikely to be confused with a private road user's vehicle or a hackney carriage vehicle.

4.	Tinted Glass	Be no restriction to the level of tint for the glass windows in the passenger compartment. However, tinted glass in the windscreen and front doors shall be restricted to the requirements of the SVA Standards.	It is recognised that the privacy provided by tinted glass in the passenger compartment is a central characteristic of a limousine.
5.	Fare Table/Taximeter	Limousines are not required to display a fare table or contain a taximeter. Any taximeter fitted must be a calendar controlled taximeter and any fare table in operation be forwarded to the Authority.	Stretched limousines often do not operate under a fare system as journeys are generally pre-paid in advance based on the length of time they are hired for.
6.	Roadworthiness	Shall hold a valid Single Vehicle Approval (SVA) Certificate or equivalent.	SVA test comprises of a visual examination of a vehicle and certifies its safety and roadworthiness.
7.	Insurance	An appropriate insurance policy must be in place, which covers use of the vehicle for hire and reward.	Some limousines may be operating under insurance policies which do not cover use for hire and reward and take into account that the vehicle has been stretched.
8.	Tyres	The limousine must be fitted with tyres that meet the size, rating and weight specification.	Given the increased weight of the vehicle - tyres of the correct weight and size rating must be used at all times.
9.	Vehicle Testing	The limousine shall be examined twice a year to the appropriate Class MOT standard.	To ensure that limousines licensed by the Authority are maintained to high standards and remain safe.

10.	Maximum Passengers	The limousine's seating capacity must be reduced where necessary to a maximum of 8 passengers.	Authorities can only licence vehicles with a maximum seating capacity of up to 8 passengers.
		Any seats in the driver's compartment, other than the driver's seat, shall not be used to carry passengers.	This is to ensure that passengers are not carried in the front of the vehicle to improve driver and passenger safety.
		The vehicle must not carry more than 8 passengers at any time.	This condition shall be enforced by Authorised Officers performing random inspections of licensed vehicles.
		In any advertisement publicising their limousine service, the operator must state that the vehicle is only licensed to carry 8 passengers.	To inform customers of the maximum carrying capacity of the vehicle.
11.	Seat Belts	Seatbelts must be fitted to all seats and must be worn at all times by passengers whilst the vehicle is in motion.	In accordance with Road Vehicles (Construction & Use) Regulations 1986.
12.	Alcohol	Alcoholic drinks provided in the vehicle shall be under the terms of an appropriate licence relating to the retail sale and supply of alcohol.	To comply with alcohol licensing requirements and to safeguard public safety.
		Alcohol shall only be served while the vehicle is stationary. Whilst the vehicle is in motion the receptacle shall be placed in a secure (holder).	Public safety

		If the passengers are below the age of 18 years, then no alcohol shall be permitted in the vehicle for consumption in the vehicle.	Protection of children from harm
		Any glassware in the vehicle must be made of strengthened glass. Use of polycarbonate vessels should be considered.	Public safety
13.	Entertainment	The driver shall not play or permit the performance of any media that, given its age classification or content, is unsuitable for the age of any of the passengers in the vehicle.	To safeguard children and vulnerable adult passengers from viewing unsuitable material.
13.	Entertainment (cont.)	The limousine operator shall ensure that a Performing Rights Society licence is held (if appropriate).	Many limousines have the capability of playing recorded media for the entertainment of customers and so the operator must ensure the appropriate royalties are paid.
		If the limousine parks to provide some form of entertainment to its passengers then a Premises Licence must be in place in accordance with the Licensing Act 2003.	Entertainment regulated under the Act includes recorded TV, video, video games, loudspeakers, or any other activity provided for the passenger's enjoyment.
14.	Authority Notices	The proprietor shall when directed by the Authority, display and maintain any notices in a conspicuous position.	To convey information to passengers where appropriate.

15	Advertisements	No other signs, notices or any other marking will be displayed on or in the vehicle without the written consent of the Authority.	To ensure that any material displayed in the limousine is suitable for public viewing.
16.	Luggage	Ensure that loose luggage is not carried within the passenger compartment of the vehicle.	Passenger safety.
17.	Safety Hammer	Vehicles must be supplied with a safety hammer, capable of being used to break the glass windows of the vehicle and shall be securely located in the driver's compartment but in view and accessible to passengers in an emergency.	Passenger safety.
18.	Identification Badges	An approved holder displaying the private hire vehicle licence, as supplied by the Authority, must be displayed on the dashboard of the vehicle or on the windscreen, in a position for all the passengers to clearly see.	To show that both the driver and vehicle are licensed.
		The licence identification plate, as supplied by the Authority, must be securely fixed to the rear exterior boot lid of the vehicle.	To ensure that driver and vehicle is licensed, however the distinctive appearance of the vehicle will ensure that it will not be confused with a private road vehicle.

19.	CCTV	It is not proposed that measures such as CCTV should be required, as part of the licensing regime, as it is considered that they are best left to the judgment of the owners and drivers themselves. The trades are, however, encouraged to consider the installation of CCTV in their vehicles on a voluntary basis.	Driver and passenger safety.
20.	Sunroof/Ceiling	If fitted - any sunroof switch to be isolated so that it cannot be operated by passengers. Any mirrored or glass ceiling or fixtures shall be made of strengthened glass.	Driver and passenger safety.
21.	Interior	Adequate illumination shall be provided in the passenger compartment.	Passenger safety.
22.	Doors	All doors shall be capable of being opened from inside as well as from outside the vehicle.	To enable access/egress.
23.	Communication	A means of two way communication between the driver and passengers shall be installed to the satisfaction of the Authority.	Passenger and driver safety.

3 DRIVER AND OPERATOR LICENSING REQUIREMENTS

3.1 In addition to the limousine being licensed as a private hire vehicle with the Authority, the limousine operator is required to hold a Private Hire Operators' Licence with the Authority.

3.2 All bookings for a limousine licensed as a private hire vehicle must be booked through the licensed Private Hire Operator.

3.3 Once licensed as a private hire vehicle the limousine can only be driven by a licensed private hire driver (this licence must also be issued by the Authority).

APPENDIX C

APPLICATION PROCEDURES

1. Application Procedures – Vehicles

1.1 Vehicle proprietors shall make arrangements directly with the Authority approved vehicle testing stations to have vehicles examined and tested.

1.2 Prior to submitting the vehicle for examination, proprietors shall ensure that the vehicle is in good condition, i.e. mechanically sound; bodywork satisfactory.

1.3 In respect of renewal applications, vehicles should not be examined more than 4 weeks before their licence is due to expire. However, it is advised to arrange the examination and test at least 7 days prior to the application appointment, in case the vehicle examination identifies the need for repair work and re-testing, which can then be undertaken prior to the expiry of the licence.

1.4 Vehicle proprietors may be subject to a recharge fee by the vehicle testing station in respect of vehicles that fail the vehicle test and undergo a second examination and test.

1.5 When presenting an application at the Authority's Customer Service Centre, the following documents **MUST** accompany the completed application form:-

- (i) **DVLA Vehicle Registration Certificate** (which must show the vehicle as belonging to the applicant either wholly or jointly with any other person(s) hereinafter described as the proprietor(s) thereof) or a bill of sale identifying the vehicle, seller and purchaser as long as this is accompanied by the part of registration certificate showing the year of registration of the vehicle;
- (ii) **Valid Certificate of Insurance;**
- (iii) **Compliance Certificate;**

and additionally for stretched limousines:-

- (iv) **Individual Vehicle Approval Certificate (IVA) or Single Vehicle Approval Certificate (SVA).**

2. Application Procedures – Drivers

2.1 Applications for hackney carriage or private hire driver licences may be made at any time of the year. Applicants shall hold a full driving licence issued in the UK, the European Community (EC) or one of the other countries in the European Economic Area (EEA). In addition any applicant who holds an EC/EEA driving licence shall also have a GB counterpart document.

2.2 Applicants shall have held a full UK, EC or EEA driving licence for at least 12 months and be aged 18 years or over.

2.3 Applicants will be required to complete an application form and pay the appropriate fee for a disclosure from the Criminal Records Bureau (CRB) on first application and every 3 years thereafter. Three forms of personal identification are required as well as a utility bill showing the applicant's current address. Applicants will also need to provide their national insurance number. Details of acceptable identification are detailed on the Government website: <http://www.direct.gov.uk/en/index.htm> (enter "CRB" into 'Search this site').

2.4 Where an applicant has resided in the UK for less than 5 years, or has spent a period of 3 months or more within the last 5 years as a non-resident, the Authority will require a certificate of good conduct authenticated by the relevant embassy of that country of residence, provided at the applicant's own expense, in addition to the enhanced CRB check.

2.5 Applicants are required to pass a medical examination of Group II standards and shall provide the completed medical examination form supplied by the Authority and completed by their own General Practitioner, or a General Practitioner with access to the applicant's medical record, on first application and every 3 years thereafter until aged 65 years, or annually with a medical condition when annual examinations are required. The medical practice is likely to make a charge for this service.

2.6 The application will not be accepted unless it is complete and with all the relevant documentation.

2.7 All applications will have to be submitted **IN PERSON** at one of the Authority's offices - Stamford, Bourne, The Deepings and Grantham - in order for photographs to be taken by digital camera.

3. New Driver Qualifications

3.1 Introduction

3.1.1 In order to maintain the high standards that the Authority expects of its drivers operating within the district - a basic numeracy, literacy and knowledge of locations is assessed by the Authority through a knowledge test.

3.2 Local Knowledge Test

3.2.1 All new drivers are required to undertake a basic numeracy, literacy and knowledge of locations within the Authority's area test.

3.2.2 One knowledge test is included in the cost of the initial fee on application. If further tests are required these will be arranged and an additional administrative fee will be charged, to be paid prior to the test. Subsequent tests must be a minimum of one week apart. The tests must be held within two months of the first failed test date or the application will be returned and deemed not duly made.

3.2.3 The literacy and numeracy test aims to identify understanding of the English language and basic mathematics.

3.2.4 The local knowledge test is practical and aims to identify knowledge of locations of places of interest and routes.

3.2.5 First time applicants having more than 6 points (both current and expired accrued over a 4 year period) on their DVLA Driving Licence are required to pass the Driving Standards Agency hackney carriage or private hire vehicle practical driver's test prior to the granting of the licence.

4 Existing Drivers

Driver renewals

4.1 Drivers who allow their licence to lapse, for a period of less than 6 months, will accrue penalty points and be considered as a returning driver but will be required to undergo the same application procedure as a new driver, with the exception of the requirement to undertake a knowledge, literacy and numeracy test as required in section 3.2.1 above. If a new CRB Disclosure is required then a licence will not be issued until the results of this are obtained.

4.2 All previously licensed drivers who permit their licence to lapse for longer than 6 months after the renewal date shall be treated as a new driver and required to undertake all the tests and other requirements applicable to a new driver.

4.3 Existing drivers with 9 or more points on their DVLA Driving Licence will be required to pass the Driving Standards Agency hackney carriage or private hire vehicle practical driver's test within 3 months of acquiring the points or have their licence automatically suspended. In accordance with the DVLA guidelines and for the purposes of the 'fit and proper' test (sec 51, 1976 Act in respect of private hire drivers and sec 59, 1976 Act in respect of hackney carriage drivers), the points remain accountable for four years.

5 The Consideration of Applications

5.1 On receiving the Enhanced Disclosure from the CRB, new applicants should make an appointment with the Authority to undertake the tests.

5.2 If satisfied, from the information available, that the applicant is a fit and proper person to hold a licence, the Licensing Officer has delegated power to grant the application and issue a 12 month licence.

5.3 A driver badge will also be issued which shall remain the property of the Authority and must be surrendered if the driver licence is suspended or revoked by the Authority. The badge shall be displayed on the driver's person at all times they are acting as a licensed driver.

5.4 If the Authority is not satisfied, from the information available, that the applicant should be granted a licence, the matter will be referred to the Licensing Committee for a hearing.

APPENDIX D

RELEVANCE OF CONVICTIONS TO APPLICATIONS

1. Introduction

1.1 The following guidelines shall be used to determine the relevance of criminal and other convictions in relation to applications for hackney carriage and private hire driver licences and private hire operator licences.

1.2 It should be noted that, since 2002, hackney carriage and private hire vehicle drivers are exempted from the protection of the Rehabilitation of Offenders Act 1974, so that all convictions whether spent or not can be considered as to whether they are relevant in respect of any proceedings held in respect of an application for the grant, renewal or cancellation of a licence to be a hackney carriage or private hire vehicle driver.

2. General Policy

2.1 Each application will be determined on its own merits.

2.2 A person with a conviction for serious crime need not be permanently barred from obtaining a licence but shall be expected to have remained free of conviction for 3 to 5 years, according to the circumstances of the offence, before an application is granted. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances.

2.3 However the overriding consideration will be the protection of the public, particularly children and vulnerable adults.

2.4 A police caution for violence, dishonesty and drug related offences shall generally be taken into account for a period of 2 years. In all other cases a police caution shall generally be taken into account for a period of 12 months.

2.5 Listed in points 3 - 10 below are some general principles relating to the determination of applications for drivers and operators which shall generally be followed where convictions are disclosed.

2.6 References to convictions include police cautions, warnings, reprimands and issue of fixed penalty notices.

3. Minor Traffic Offences

3.1 Convictions for minor traffic offences such as obstruction, waiting in a restricted street, speeding, etc. shall not prevent a person from proceeding with an application.

3.2 If an existing licensed hackney carriage or private hire vehicle driver applicant accrues 9 or more points in a four year period, or accrues sufficient DVLA penalty points to require a period of disqualification of the applicant's driving licence - a hackney carriage or private hire vehicle driver's licence may be granted after the restoration of the DVLA driving licence, subject to them passing the DSA test.

3.3 New or first time applicants having more than 6 points in a four year period on their DVLA Driving Licence are required to pass the DSA test prior to submitting their application.

4. Major Motoring Offences

4.1 Convictions for motoring offences such as

- reckless driving;
- driving without due care and attention;
- driving with no valid insurance;
- using a motor vehicle in an unfit condition;
- driving whilst disqualified

raise concern as to the applicant's fitness to hold a licence.

A minimum of 3 years shall have elapsed since the incident before such an application will be considered by the Authority. An applicant can, however, request that the application be referred to the Licensing Committee for determination.

4.2 A conviction for causing death by careless driving or by dangerous driving shall result in the application being referred to the Licensing Committee for determination.

5. Drunkenness

5.1 With a motor vehicle

5.1.1 A serious view shall be taken of convictions for driving or being in charge of a vehicle whilst under the influence of alcohol or other substances. A single conviction for these offences raises serious concerns as to the applicant's fitness to hold a licence. At least 3 years should have elapsed since the restoration of the DVLA Driving Licence before such an applicant is considered for a licence.

5.1.2 More than one conviction shall result in the application being referred to the Licensing Committee.

5.1.3 If there is any indication that the applicant is an alcoholic, a medical examination shall be arranged by the Applicant, at their expense, with their GP before the application is considered. If the applicant is found to be an alcoholic, a period of 3 years must elapse after treatment is complete before an application can be considered. An applicant can, however, request the application be referred to the Licensing Committee for determination.

5.2 Not in a motor vehicle

5.2.1 An isolated conviction for drunkenness shall not debar an applicant from obtaining a licence. However, a number of convictions for drunkenness could indicate a problem necessitating a medical examination to be arranged by the Applicant, at their expense, with their GP at the Authority's request. If the applicant is found to be an alcoholic, a period of 3 years must elapse after treatment is complete before an application can be considered. An applicant can, however, request the application be referred to the Licensing Committee for determination.

6. Drugs

6.1 An applicant with a conviction for a drug related offence shall be required to show a period of at least 3 years free of convictions before an application is considered, or 5 years after the completion of detoxification treatment if an addict. An applicant can, however, request the application be referred to the Licensing Committee for determination.

7. Sexual or Indecency Offences

7.1 Hackney carriage and private hire drivers often carry unaccompanied passengers, including children and vulnerable adults. Applicants with a conviction for indecent exposure, indecent assault, importuning for an immoral purpose, or any sexual offences will normally not be permitted to submit an application until a period of 5 years has elapsed since the offence. More than one conviction of this kind will preclude consideration for 10 years. All such applications would, in any case, be referred to the Licensing Committee for determination.

8. Violence

8.1 As hackney carriage and private hire drivers have close contact with the general public, a serious view shall be taken with applicants who have a conviction for grievous bodily harm, wounding or assault. At least 3 years should have elapsed since the incident before an application is considered. An applicant can, however, request the application be referred to the Licensing Committee for determination.

9. Dishonesty

9.1 Hackney carriage and private hire drivers are expected to be trustworthy. The delivery of unaccompanied property is indicative of the trust that businesses place in licensed drivers. Moreover, it is comparatively easy for dishonest drivers to defraud the public, by demanding more than the normal fare. Overseas visitors, in particular can be confused due to the change in currency. For these reasons a serious view will be taken of any convictions involving dishonesty. At least 3 years should have elapsed since the incident before an application is considered. An applicant can, however, request the application be referred to the Licensing Committee for determination.

10. Other offences and special circumstances

10.1 If an applicant has declared or committed any other offence not listed above or the circumstances of the case justify it, a Licensing Officer may refer it to the Licensing Committee for determination.

APPENDIX E

PRIVATE HIRE DRIVER LICENCE CONDITIONS

1. Conduct of Driver

1.1 The holder of a Private Hire Driver's Licence ("the driver") shall comply with the following conditions:

1.2 The driver shall be respectably dressed and clean and tidy in appearance.

1.3 The driver shall, at all times when acting in accordance with the Driver's Licence granted to them, wear such badge as supplied by the Authority in such position and manner as to be plainly and distinctly visible at all times. The driver shall not allow the badge to be used by any other person or cause or permit any other person to wear it. On termination or surrender of the Driver's Licence, the badge must be returned to the Authority immediately.

1.4 The driver shall behave in a civil, polite and orderly manner at all times in the course of carrying out their duties as a licensed driver and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.

1.5 The driver shall not wilfully or negligently cause or permit the vehicle licence plates to be concealed from public view.

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

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

1.8 The driver shall not convey, or permit to be conveyed, in such vehicle any number of persons greater than the number of persons specified in the licence and also referred to on the vehicle licence plate.

1.9 The driver shall convey a reasonable amount of luggage and provide reasonable assistance in loading and unloading luggage.

1.10 The driver shall not solicit, by calling out, or otherwise importune any person to hire or be carried for hire, and shall not accept an offer for the hire of the vehicle except where that is first communicated to the driver by the Operator.

1.11 The vehicle shall be presented in a clean and tidy condition for each journey.

1.12 The private hire vehicle shall only be driven by a licensed Private Hire Driver who has the consent of the proprietor of the vehicle.

1.13 The driver shall comply with any hirer's request not to drink or eat in the vehicle or play any radio or sound equipment which is not connected with the operation of the business.

1.14 The driver shall not operate the horn as a means of signalling that the vehicle has arrived for a hire.

2. Fares and journeys

2.1 The operator of a private hire vehicle may make their own agreement with the hirer as to the fare for a particular journey.

2.2 The driver shall, if requested by the hirer, provide a written receipt for the fare paid. Each receipt should show the date of journey, driver badge number and amount paid.

2.3 If the private hire vehicle is fitted with a taximeter, then the driver of the vehicle shall, unless the hirer expresses at the commencement of the journey their desire to engage by time, bring the meter into operation at the commencement of the journey:

(i) bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word 'HIRED' is legible on the face of the taximeter before beginning a journey for which a fare is charged for distance and time, and keep the machinery of the taximeter in action until the termination of the hiring;

(ii) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1972, and also at any other time at the request of the hirer; and

(iii) not demand from any hirer of a Private Hire vehicle a fare in excess of any previously agreed for that hiring between the hirer and the Operator or, if the vehicle is fitted with a fare meter, the fare shown on the face of the meter.

3. Duties of Licence Holder

3.1 The Driver's Licence must be made available for inspection, on request, by a Licensing Officer/Police Officer.

3.2 The Private Hire Driver's Licence or copy thereof must be presented to the proprietor/operator at the beginning of employment.

3.3 All licences and badges issued remain the property of the Authority at all times. They must be returned forthwith when employment as a licensed driver ceases, or if the licence expires and is not renewed, or where the licence is suspended or revoked.

3.4 The driver must notify the Authority in writing, within 7 days, of any change of name or address.

3.5 The driver must notify the Authority, within a period of 7 days, of any conviction for a criminal offence, motoring offence or receipt of a police caution or fixed penalty imposed whilst the licence is in force.

3.6 The driver shall report an accident in a private hire vehicle within 72 hours of the occurrence, where damage materially affects the safety, performance and appearance of the licensed vehicle, or the comfort or convenience of persons carried.

3.7 The driver shall keep a copy of these driver conditions in the licensed vehicle being used by that driver.

3.8 The driver shall inform the Authority, in writing, immediately, of any deterioration in health or injury that would affect their ability to drive a private hire vehicle.

4. Found Property

4.1 A driver shall, after the termination of each hiring or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left therein. Any item(s) found should be handed in as soon as possible, and in any event within 48 hours, to the nearest Police Station and left in the custody of an Authorised Officer on their giving a receipt for it.

5. The Carriage of Animals

5.1 A driver shall not carry, in a private hire vehicle whilst being hired, any animal which belongs to or is being looked after by themselves, the proprietor or operator of the vehicle.

5.2 Animals in the custody of passengers may be carried, at the driver's discretion, provided they are restrained in a safe manner.

5.3 A driver shall, however, carry assistance dogs. Assistance dogs include guide dogs for the blind or partially sighted, hearing dogs for the hard of hearing, and other assistance dogs which assist disabled people with a physical impairment.

5.4 Any driver with a medical condition, which may be exacerbated by such dogs, may apply to the Authority for exemption from the condition in paragraph 5.3. A certificate of exemption will be supplied on production of suitable medical evidence.

6. Wheelchair Accessible Vehicles

6.1 All drivers of wheelchair accessible vehicles must:-

- be fully conversant with the correct method to operate ramps, lifts and wheelchair restraints that can be fitted to the vehicle;
- ensure that all wheelchairs are firmly secured to the vehicle using an approved restraining system and that the brakes of the wheelchair have been applied prior to the vehicle setting off; and

- ensure that any wheelchairs, equipment and passengers are carried in such a way that no danger is likely to be caused to any passenger, in accordance with the Road Vehicles (Construction & Use) Regulations 1986.

APPENDIX F

HACKNEY CARRIAGE BYELAWS

BYELAWS

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

Interpretation

1. Throughout these byelaws "the Council" means the South Kesteven District Council and "the district" means South Kesteven.

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

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

Provisions regulating how hackney carriages are to be furnished or provided

3. The proprietor of a hackney carriage shall:-
 - (a) provide sufficient means by which any person in the carriage may communicate with the driver;
 - (b) cause the roof or covering to be kept water-tight;
 - (c) provide any necessary windows and a means of opening and closing not less than one window on each side;
 - (d) cause the seats to be properly cushioned or covered;
 - (e) cause the floor to be provided with a proper carpet, mat or other suitable covering;

- (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
 - (g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
 - (h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use; and
 - (i) 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 any taximeter with which the carriage is provided to be so constructed, attached, and maintained as to comply with the following requirements, that is to say:-
- (a) the taximeter shall be fitted with a device the operation of which will bring the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;
 - (b) such device shall be capable of being locked in such a position that the taximeter is not in action and that no fare is recorded on the face of the taximeter;
 - (c) when 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 of fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by time as well as for distance in pursuance of the tariff fixed by the Council;
 - (d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
 - (e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring; and
 - (f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

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

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

- (a) when standing or plying for hire, keep the 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 taximeter into action by operating the device, so that the word "HIRED" is legible on the face of the taximeter and keep the taximeter in action until 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 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 any person hiring or seeking to hire the carriage:-
 - (a) convey a reasonable quantity of luggage;
 - (b) afford reasonable assistance in loading and unloading; and
 - (c) afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such person.

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

14. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate of fare prescribed by the council, the rate or fare being calculated by 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 face of the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.

15.
 - (a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by Council resolution to be exhibited inside the carriage, in clearly distinguishable letters and figures.
 - (b) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

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

16. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.
17. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:-

- (a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to a police station in the district and leave it in the custody of the officer in charge 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 police station, 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 each day during which the offence continues after conviction therefor.

Repeal of Byelaws

- 19. The byelaws relating to hackney carriages which were made by the Grantham Borough Council on the 1st day of September 1953 and which were confirmed by one of Her Majesty's Principal Secretaries of State on the 16th day of February 1954 are hereby repealed.

Given under the Common Seal of the South Kesteven District Council this eighth day of June 2000.

The Common Seal of the
SOUTH KESTEVEN DISTRICT COUNCIL
was hereunto affixed in the presence of:-

J G Bishop, Head of Administration

(SEAL)

The foregoing byelaws are hereby confirmed by the Secretary of State and shall come into force on the 1st day of January 2001.

E C Neve

Signed by authority of the Secretary of State

APPENDIX G

CODE OF GOOD CONDUCT

This Code should be read in conjunction with the other statutory and policy requirements set out in this document.

1 Responsibility to the Trade

Licence holders shall endeavour to promote the image of the hackney carriage and private hire trades by:

- (a) complying with this Code of Good Conduct;
- (b) complying with all the conditions of their licence, byelaws and the Authority's Hackney Carriage and Private Hire Licensing Policy;
- (c) behaving in a civil, orderly and responsible manner at all times.

By accepting their licence, the holder is deemed to have accepted the above terms and conditions.

2 Responsibility to Clients

Licence holders shall:

- (a) maintain their vehicle(s) in a safe and satisfactory condition at all times;
- (b) keep their vehicle(s) clean and suitable for hire to the public at all times;
- (c) attend punctually when undertaking pre-booked hires;
- (d) assist, where necessary, passenger into and out of the vehicle;
- (e) provide reasonable assistance to passengers with their luggage.

3 Responsibility to Residents

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

- (a) not sound the vehicle's horn illegally between 11.30pm and 7.00am or from a stationary vehicle, except when another road user poses a danger);
- (b) keep the volume of music media player media systems and VHF radios to a minimum;
- (c) switch off the engine if required to wait; and
- (d) take whatever additional action is necessary to avoid disturbance to residents of the neighbourhood, which might arise from the conduct of their business.

4 Responsibilities at Ranks and Offices

Licence holders shall:-

- (a) rank in an orderly manner and proceed along the rank in order and promptly;
- (b) remain in attendance of their vehicle;
- (c) not allow their music media players or VHF radios to cause disturbance to residents of the neighbourhood; and
- (d) take whatever additional action is necessary to avoid disturbance to residents of the neighbourhood which might arise from the conduct of their business.

5 General

Drivers shall:-

- (a) pay attention to personal hygiene and dress so as to present a professional image to the public;
- (b) be polite, helpful and fair to passengers;
- (c) drive with care and due consideration for other road users and pedestrians;
- (d) obey all Traffic Regulation Orders and directions at all times;
- (e) not consume alcohol immediately before or at any time whilst driving or being in charge of a hackney carriage or private hire vehicle;
- (f) not drive while having misused legal or taken illegal drugs;
- (g) fulfil their responsibility to ensure that adequate rest periods are taken during and after the working day;
- (h) not eat in the vehicle in the presence of customers; and
- (i) respect Officers at Authority offices and elsewhere during the normal course of their duties.

APPENDIX H

PRIVATE HIRE OPERATOR LICENCE CONDITIONS

1 Standards of Service

The Operator shall:

1.1 Provide a prompt, efficient and reliable service to members of the public at all reasonable times;

1.2 Ensure that their office staff behave in a civil and orderly manner at all times;

1.3 Ensure that, when a vehicle has been hired, it arrives punctually at the appointed place unless delayed by unforeseen circumstances;

1.4 Ensure that premises provided for the purpose of hiring or waiting are kept clean, adequately lit, heated and ventilated;

1.5 Ensure that any waiting area provided has adequate seating facilities and, if provided, any telephone facilities are in good working order.

1.6 Ensure that any sanitary conveniences and washing facilities provided for customers and/or licensed drivers and vehicle proprietors are placed at readily accessible areas in the building. They and the rooms containing them should be kept clean, be adequately ventilated and lit. Washing facilities should have running hot and cold water, soap and clean towels or other means of cleaning or drying. Men and women should have separate facilities unless each facility is in a separate room with a lockable door and is for use by only one person at a time.

2 Records

2.1 Records shall be kept by operators in a suitable form that does not permit backdating and in a format easily able to be inspected by a Licensing Officer/Police Officer.

2.2 Extracts of the records shall be available to be taken away by Licensing Officers/Police Officers.

2.3 All records maintained by the operator shall be kept for at least 12 months after entry and shall be produced for inspection, on request, by any Licensing Officers/Police Officers.

3 Bookings

3.1 Prior to each journey, the operator shall enter the following particulars of every booking in the above records (2):

- the date of the booking;
- the name of the hirer;
- the time and date of pick-up;
- the address of the point of pick-up;
- the destination;
- any fare quoted at the time of booking;
- the plate number of the vehicle allocated;
- the badge number (or other identification) of the driver allocated; and
- the details of any booking subcontracted to another South Kesteven District Council licensed operator or hackney carriage in the district.

4 Vehicles

4.1 The operator shall keep a copy of licences issued by the Authority, for private hire vehicles it operates.

5 Drivers

5.1 The operator shall keep a copy of licences issued by the Authority, for drivers it operates.

5.2 The operator shall keep records of the following:-

- driver call signs;
- date of when a new driver begins service; and
- date when a driver ceases service.

5.3 If the operator becomes aware that any driver is suffering from any illness, disability or condition which may affect the driver's ability to drive then they shall inform the Authority immediately.

6 Change of Address

6.1 The operator shall notify the Authority in writing of any change affecting this licence, including change of address (including any address from which they operate or otherwise conduct their business), which takes place during the currency of the licence. Such notice shall be given within 7 days of the change to the Licensing Section.

7 Disclosure of Convictions

7.1 The operator shall, within 7 days of conviction, notify the Authority in writing of any conviction or fixed penalty notice imposed on him/her during the currency of his/her operator's licence. If the operator is a company or partnership, this requirement shall apply if any of the directors or partners receives a conviction or fixed penalty notice.

8 Insurance

8.1 The operator shall ensure that a certificate of motor insurance covers every private hire vehicle operated by him under the licence, which is compliant with the Road Traffic Act 1988 as regards the carriage of passengers for hire or reward.

8.2 If the operator has premises to which the public have access, in connection with the hiring of vehicles, he/she shall ensure that there is public liability insurance in force, which indemnifies him/her against any claim for loss, damage or personal injury by any person using those premises.

9 Display of Terms and Conditions

9.1 The operator shall keep a copy of these conditions at all premises used for a private hire business and shall make the same available for inspection by customers and on request by Authorised Officers and the Police.

Note: Planning Consent

To operate a private hire business from a residential dwelling, planning permission for such business use may be required. All applications for an Operator's Licence are forwarded to the Planning Department for their approval.

APPENDIX I

ENFORCEMENT POLICY & PRACTICE

1 Enforcement Policy Statement

1.1 It is the statutory duty of the Authority to ensure that licensed drivers and operators are licensed correctly and carry out their trade in accordance with both the relevant law, byelaws, statutory notices, policies and conditions attached to licences.

1.2 All enforcement will be undertaken in accordance with the Authority's current enforcement policy.

APPENDIX J

PENALTY POINTS SCHEME

The Scheme

1. Introduction

- 1.1 Hackney carriage and private hire operators, drivers and vehicles are principally governed by the Local Government (Miscellaneous Provisions) Act 1976, Town Police Clauses Act 1847, Authority's Byelaws and the Rules, Regulations and Conditions set by the Licensing Committee.
- 1.2 Should operators, drivers or proprietors of vehicles commit an offence or breach of those rules, regulations or conditions of licence, notices will be given detailing the offence/breaches and the number of points allocated. Those persons who do not agree with the issue of the points may request an interview to discuss the incident. The outcome of investigations may result in no further action being taken, penalty points being awarded, a formal warning, referral to the Licensing Committee and/or prosecution.
- 1.3 The aim of a penalty points scheme is to work in conjunction with other enforcement options. It provides a formalised, stepped enforcement plan. The purpose of the scheme is to record misdemeanours and to act as a record of driver's behaviour and conduct, so as to ascertain whether they are a fit and proper person. It does not prejudice the Authority's ability to take other actions.
- 1.4 The primary objective of the penalty points scheme is to improve the levels of compliance and help improve the standards, safety and protection of the travelling public.
- 1.5 Penalty points remain for a rolling twelve month period so as to allow any older points to be considered as spent and therefore excluded from the running total recorded against any individual license holder.

2. Issue of Penalty Points

- 2.1 Complaints concerning significant breaches of conduct, conditions of license or policy will be subject to investigation by Licensing Officers and may be reported to the Licensing Committee for the issue of discretionary points.
- 2.2 Where a licence holder accumulates 12 or more penalty points in any 12 month period, the matter will be referred to the Licensing Committee for the Committee to decide whether the driver is a 'fit and proper' person. The Committee may then suspend or revoke a licence, or issue a warning to the licence holder, depending on the circumstances. Periods of suspension of a licence by the Committee will be dependent on the nature of the breaches of the legislation/conditions and the compliance history of the individual. Suspension periods will normally vary between 7 to 31 days.

- 2.3 Points issued to either the proprietor of a vehicle or a driver will be confirmed in writing within 10 working days from the discovery of the contravention.
- 2.4 The system will operate without prejudice to the Authority's ability to take other action that it is entitled to take under legislation, byelaws and regulations.
- 2.5 Any appeals regarding the issuing of penalty points will be referred to the Licensing Committee who will have the discretion to award a greater number of points than displayed on the tariff, if the appeal is not upheld. Drivers must appeal, against any points issued by Licensing Officers, to the Licensing Committee within 21 days from the time the points are issued.
- 2.6 If a decision is made to issue points to a proprietor/driver rather than prosecute, for a matter which is also a criminal offence e.g. bald tyres; no badge etc., those person(s) will not then be the subject of a prosecution by the Authority in respect of the same matter for which the points were issued.

**SOUTH KESTEVEN DISTRICT COUNCIL
PENALTY POINT SCHEME**

	Offence/Breach of Condition	Maximum Points Awarded by Authorised Officers	Driver	Vehicle Proprietor or Operator
1	Providing false or misleading information on licence application form / failing to provide relevant information or the relevant fee (including dishonoured cheques).	6	✓	✓
2	Failure to notify, in writing, the Authority of change of address within 7 calendar days.	3	✓	✓
3	Refusal to accept hiring without reasonable cause e.g. drunk or rude customer.	6	✓	
4	Unreasonable prolongation of journeys or any misconduct regarding the charging of fares.	6	✓	
5	Plying for hire by private hire drivers.	9	✓	✓
6	Failure to display current vehicle excise licence (tax disc).	4		✓
7	Using unlicensed vehicle for carrying passengers for hire or reward or vehicle without insurance.	12		✓
8	Failure to produce relevant documents within timescale, when requested by a Licensing Officer/Police Officer.	4	✓	✓
9	Unsatisfactory condition of vehicle - interior or exterior.	4	✓	✓
10	Failure to provide proof of insurance cover when requested.	6	✓	
11	Failure to produce hackney carriage or private hire vehicle for testing when required.	4		✓
12	Using a vehicle whilst subject to a suspension order issued by a Licensing Officer/Police Officer.	12	✓	✓
13	Using a vehicle for which the licence has been revoked.	12	✓	✓
14	Failure to report, in writing, within 72 hours, accident or damage to licensed vehicle, which would cause the vehicle to breach licence condition.	4	✓	✓

15	Carrying more passengers than stated on the vehicle licence.	6	✓	
16	Failure to display external/internal licence plate as required.	4		✓
17	Carrying an offensive weapon in the vehicle.	12	✓	
18	Failure to notify transfer of private hire or hackney carriage vehicle licence.	4		✓
19	Failure to carry fire extinguisher.	4		✓
20	Failure to apply for prior approval for advertising signage on the outside of the vehicle.	3		✓
21	Displaying unsuitable or inappropriately sited signs or advertisements in or on the vehicle.	3		✓
22	Failure to use authorised roof light.	4	✓	
23	Displaying unauthorised written or other material on any window.	4	✓	✓
24	Failure to comply with a requirement, provide information or assistance to a Licensing Officer/Police Officer.	6	✓	✓
25	Using a non approved or non-calibrated taximeter.	6	✓	✓
26	Obstruction of Licensing Officer/Police Officer wishing to examine a licensed vehicle.	12	✓	✓
27	Evidence of smoking in vehicle.	3	✓	✓
28	Evidence of food or drink in vehicle.	3	✓	✓
29	Displaying any feature on a private hire vehicle that may suggest that it is a taxi.	6		✓
30	Using a vehicle the appearance of which suggests that it is a taxi.	6		✓
31	Failure to carry an assistance dog without requisite exemption.	12	✓	✓
32	Driver not holding a current DVLA Driving licence.	12	✓	✓
33	Failure to wear driver's badge.	4	✓	
34	Failure to notify, in writing, a change in medical circumstances.	6	✓	✓
35	Unsatisfactory appearance of driver.	3	✓	
36	Failure to observe rank discipline (hackney carriage only).	4	✓	
37	Failure to maintain proper records of private hire vehicle.	3		✓

38	Failure to keep or produce records of private hire bookings or other documents required to be kept or produced.	6		✓
39	Misleading use of the words 'Taxi' or 'Cab' on advertising materials.	3		✓
40	Failure to issue receipt on request.	3	✓	
41	Failure to return vehicle licence plate within 7 days after due notice following expiry, revocation or suspension of such licence.	4		✓
42	Unsatisfactory behaviour or conduct of driver.	4	✓	
43	Failure to notify the Authority, in writing, of any motoring or criminal convictions within 7 days of said conviction or cautions during period of current licence.	6	✓	✓
44	Failure to behave in a civil and orderly manner.	4	✓	✓
45	Failure to give assistance with loading/unloading luggage to or from any building or place.	3	✓	✓
46	Failure to display table of fares.	4	✓	✓
47	Failure to carry legal spare wheel or authorised suitable alternative and tools.	4	✓	✓
48	Failure to attend punctually at appointed time and place without sufficient cause.	4	✓	✓
49	Using a licensed vehicle with bald tyre(s).	4 per tyre	✓	✓
50	Failure to submit Certificate of Compliance to the Authority following the intermediate 6 monthly inspection.	6		✓
51	Failure to display a current licence plate.	4		✓
52	Waiting or stopping on a double yellow line area, bus stop or private land (without the owner's permission) and double parking unless requested by a paying customer present in the vehicle.	3	✓	
53	Failure to comply with any other condition not detailed in the table.	3	✓	✓
54	Appeal of points by way of Licensing Committee.	4 - 12	✓	✓

Ticks indicate potential recipients of penalty points for infringements.

N.B. Certain infringements may result in drivers, proprietors or operators receiving penalty points. Points may be awarded to one or several persons depending upon the nature of the infringement, however each case must be determined on its own merits.

Certain matters are specific to hackney carriages, private hire drivers or private hire operators.

If the matter is referred to the Licensing Committee, the Committee may impose up to 12 points.

APPENDIX K

LOCATION OF HACKNEY CARRIAGE STANDS (RANKS)

Grantham

- St Peter's Hill (opposite the Guildhall Arts centre) – operates 24 hours
- Wharf Road (next to the bus station) – operates 24 hours
- Narrow Westgate/Market Place – operates Monday to Sunday 1900 to 06:00 hrs
- Wide Westgate (opposite Welby Street) – operates Sunday to Friday 1900 to 0700 hrs only
- Railway Station – operates 24 hours – rank not appointed by the Council

Stamford

- Broad Street – operates 24 hours (except Fridays)
- St Mary's Hill (outside Town Hall) – operates 2100 to 0300 hrs

Bourne

- Market Place – operates 24 hours

REPORT TO CABINET

REPORT OF: Engagement and Corporate Services Portfolio Holder

REPORT NO: ENV 549

DATE: 3rd October 2011

TITLE:	Adoption of Street Trading Policy and review of existing conditions – Local Government (Miscellaneous Provisions) Act 1982	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	Key Decision	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Cllr Paul Carpenter Engagement and Corporate Services Portfolio Holder	
CONTACT OFFICER:	<u>Mark Jones</u> Service Manager, Community Safety and Licensing 01476 406297 m.jones@southkesteven.gov.uk <u>Pam Robinson</u> Licensing Officer 01476 406138 p.robinson@southkesteven.gov.uk	
INITIAL IMPACT ASSESSMENT:	Carried out and referred to in paragraph (7) below	Full impact assessment required:
Equality and Diversity	Yes	No
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Your Council and Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	ENV 357- Adoption of whole District as a consent area ENV 540- Pre consultation report to Licensing Committee	

1. RECOMMENDATIONS

- 1.1 That Cabinet note the content of this report and adopts the Street Trading Policy (Appendix 1) to be effective 1st January 2012.

2. PURPOSE OF THE REPORT

- 2.1 The purpose of this report is to inform members of the recent Street Trading Policy consultation exercise which provides the necessary information to allow members to endorse the recommendation as above. The report also provides background information regarding the existing street trading arrangements.

3. DETAILS OF REPORT

3.1 The whole of the South Kesteven District is designated as a consent area for the purposes of street trading. However, Stamford Pedestrian Precinct currently has different criteria to that of the remainder of the District. The new Street Trading Policy draws together best practice from each of the criteria into one document.

3.2 The new draft Policy was presented to the Licensing Committee on the 5th August 2011. The Committee recommended that a consultation exercise be carried out and that, providing there were no representations, the Policy be presented to Cabinet for adoption.

Background Information

3.3 There are currently five street traders located in lay-bys paying £16.50 per day and four traders on Stamford Pedestrian Precinct paying £21.00 per day. It is proposed that the existing fees remain as they are, pending an authority-wide review of fees and charges. Schedule IV, Paragraph 9 of the Local Government (Miscellaneous Provisions) Act (1982) allows for the council to take into account the location of traders and likely profitability and set an appropriate fee.

3.4 Paragraph 1 (1) of Schedule IV of the Local Government (Miscellaneous Provisions) Act 1982 provides a broad definition of street and it is wide enough to include private land to which members of the public have access. The policy makes provision for the recovery of fees from traders operating on private land who have yet to apply for consent. We are currently aware of seven such traders.

3.5 Street trading means:

The selling, exposing or offering for sale of any article whether food or non food including a living thing whether with or without a stall from any road, footway, highway or other adjacent areas to which the public have access without payment.

3.6 The following activities are not street trading for the purposes of the 1982 Act

- Pedlars who sell their wares going from house to house
- Anything done in a fair or market which is held as a result of a grant or acquired or established by Act of Parliament or Order
- Trading in a trunk road picnic area provided under Section 112 of the Highways Act 1980
- A roundsman and a person who delivers orders to the customer's door
- News vendors
- Sales from the forecourt of a petrol filling station
- A stall outside a shop as an extension of that business
- Pavement Cafes (authorised by Lincolnshire County Council (LCC) as Highways Authority)

3.7 A set of conditions was introduced when the Street Trading Consent procedure was set up to assist the decision making process for consent to be granted or refused. These have been reviewed and are incorporated in the revised

conditions as set out in the policy at appendix B.

3.8 Consultation

The consultation was undertaken between 8th August 2011 and 19th September 2011. The following stakeholders were consulted:

- Current consent holders
- Lincolnshire Police
- Lincolnshire County Council
- General public
- Town and Parish Councils
- SKDC Internal Departments

3.9 A policy consultation page was created on the Council's website which included a copy of the draft policy and an explanation of the process for making a representation; no representations were made during the consultation process.

4. OTHER OPTIONS CONSIDERED

4.1 To prohibit street trading in certain streets. This was considered to be too inflexible and difficult to enforce.

5. RESOURCE IMPLICATIONS

5.1 Any costs associated with the consultation and implementation of the Policy will be met from within existing budgets.

6. RISK AND MITIGATION

6.1 No significant risk has been identified as part of the policy development

7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT

7.1 None identified

8. CRIME AND DISORDER IMPLICATIONS

8.1 None identified

9. COMMENTS OF FINANCIAL SERVICES

9.1 As confirmed in section 5 of this report that minimal costs associated within the implementation of this policy, therefore any resource required will be met within the existing budget framework.

10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

10.1 Section 3 and Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 allows licensing authorities to control street trading activities within its area. South Kesteven District Council on 1 September 2006 designated the whole of SKDC a consent area. The proposed new street trading policy must be in accordance with the powers granted in Section 3 and Schedule 4 of the LGMP Act 1982. As noted from the report historically, whilst all streets in the district have been designated consent streets since September 2006, different criteria have been adopted to the granting of trading consent and to different areas of the district and the policy seeks to address these inconsistencies.

11. COMMENTS OF OTHER RELEVANT SERVICES

Environmental Health –

The process of consultation with environmental health is noted and this will supplement the existing statutory requirement for food businesses to register with the food authority 28 days before opening or where ownership changes.

Planning –

We are content with the references made to consultation with SKDC planners, the listing of exemptions and to the fact that there may be a need for traders to seek for planning permission and other consents in some circumstances.

12. APPENDICES:

1 Street Trading Policy



GENERAL POLICY AND CONDITIONS

FOR STREET TRADING CONSENT

1 JANUARY 2011

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1. General Information

1.1 The aim of this policy is to prevent obstruction of the streets of the District of South Kesteven and ensure the safety of persons using them. In doing so, it recognises the importance of licensed businesses to the local economy and the character of the area whilst trying to ensure that the activities do not cause nuisance or annoyance to the people of the area.

1.2 Consultation

In determining this policy, the council has consulted with the following people and bodies:

- Chief Constable of Lincolnshire Police
- Lincolnshire Fire and Rescue Service
- Lincolnshire Highways Department
- Town and Parish Councils
- Business Clubs/Chamber of Trade
- All current consent holders

We have also consulted various other professional people within the Council. These include:

- Environmental Health
- Planning
- Waste and Recycling
- Legal Services
- Property and Facilities
- Chair and members of the Licensing Committee

1.3 We have considered and taken into account the views of all the appropriate bodies and organisations

1.4 Review of the Policy

This policy will be reviewed every five years. At the time of the review, we will again consult all interested parties. As well as the five-yearly reviews, we will continue to evaluate the policy and may update it at any time. Any minor changes will be agreed by the Licensing Committee.

1.5 Contacts:

The licensing function is part of Environmental Services. Our address is:

Licensing Department
Council Offices
St Peter's Hill
Grantham NG31 6PZ

- 1.6 To ask about any licensing issue, first contact the Licensing Team on 01476 406190, or visit the website: www.southkesteven.gov.uk, or via e-mail on licensing@southkesteven.gov

2. Legislation

- 2.1 Street Trading is controlled in accordance with the provisions contained in Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 (hereinafter referred to as 'The Act'). The Council adopted this schedule at the time of its enactment.
- 2.2 On 1 September 2006 the Council designated the whole of South Kesteven a consent area. As a result, **all streets** within South Kesteven District are designated as Consent Streets. This means that anyone who wishes to trade on a street, highway or other area to which the public have access without payment must hold a Street Trading Consent.
- 2.3 In addition, anyone trading on private land, to which the public obtain access without payment, is required to hold a Street Trading Consent.
- 2.4 There are additional requirements where a trader is conducting their business from private land. Please refer to paragraph 13.
- 2.5 The Act defines street trading as "the selling or exposing or offering for sale of any article (including a living thing) in a street".
- 2.6 There are exemptions from requiring consent to trade on a street. Please refer to paragraph 7.

3. Application Process

- 3.1 Each application for grant or renewal of street trading consent will be considered on its merits.
- 3.2 New applications should be accompanied by the first month's fee. Annual consents will be invoiced monthly thereafter.
- 3.3 Consents issued on a shorter basis will be payable in advance by cheque.
- 3.4 Consent holders will be given four weeks holiday per year, to be taken at their convenience. Payments will be adjusted accordingly. No further reductions in fees for non-trading will be considered except under exceptional circumstances.
- 3.5 For every such application, South Kesteven District Council may impose such conditions as may be reasonable, having regard to all the circumstances to prevent:-
- (i) obstruction of the street or danger to persons using it; or

- (ii) nuisance or annoyance, (whether to persons using the street or otherwise).

Standard conditions will be imposed unless circumstances dictate otherwise.

- 3.6 The Trader shall provide insurance in the sum of £5,000,000 to insure against third party liability claims and to indemnify the Council against all claims, liabilities, actions, demands and expenses arising in respect of the grant or renewal of this consent. The Trader shall provide on demand for inspection by the Council the insurance certificate and evidence of full payment of the premium.
- 3.7 If a site is already occupied, applicants may be included on a waiting list, a request for which to be made in writing. Applicants will remain on the waiting list for 6 months. To remain on the list notifications must be made to us in writing.
- 3.8 Where the imposition of conditions is not adequate to control potential problems, applications will be refused.

Refusal or withdrawal of street trading consents will be normal in the following circumstances:-

- (a) where the granting of the application is likely to give rise to nuisances or loss of amenity caused by noise, mal-odour, litter, disturbance or anti social behaviour;
- (b) in respect of applications for hot, malodorous food - where granting the application is likely to give rise to mal-odour, litter, disturbance or anti-social behaviour;
- (c) where there is not enough space in the street for the applicant to engage in the trading in which he/she desires without causing undue interference or inconvenience to persons using the street;
- (d) where the Highways authority considers, through a risk assessment, a location is dangerous or where a personal injury or fatality has occurred within 100 metres;
- (e) where granting of a consent for the sale of goods or services would conflict with those provided by nearby shops or cafes providing similar services;
- (f) where the applicant is unsuitable to hold a consent because of having been convicted of an offence that the Council consider makes them unsuitable to hold such consent, or for any other reason;
- (g) where the applicant has at any time been granted a street trading consent by the Council, and has persistently refused or neglected to pay fees due to them for said consent or charges due to them for services rendered;
- (h) where the applicant or operator of the stall is under the age of 17 years;
- (k) where a trader has failed to comply with the conditions attached to the consent;

- (l) where street trading in a particular location will conflict with concessions granted to existing traders;
- (m) where the street trading may damage the structure or surface of the street;
- (n) where the appearance of the trading equipment or structure in use is not compatible with the character of the area in which it is proposed to be situated;
- (o) in respect of an application in an area which is residential and where trading would not normally take place.

The Council may at any time revoke a consent or vary the conditions of an existing consent where there are reasonable grounds for so doing.

4. Licensing Process & Delegation of Functions

4.1 Applications for street trading consents are delegated to either the Licensing Committee or to the Licensing Officer.

4.2 The delegation is as follows:

Matter to be dealt with	Cabinet	Licensing Committee	Licensing Officers
Grant or renewal for a Street Trading Consent		If a representation is made	If no representation is made
Grant or renewal for Street Trading Consent for a Special Event		If a representation is made	If no representation is made
Grant or renewal for a second Street Trading Consent in one location		If a representation is made	If no representation is made
Review of policy & conditions	In all cases		
Refusal of Consent			In cases where the set conditions or criteria are not met/breached
Suspension/ Revocation			In consultation with Head of Service

4.3 Where an application is referred to the Licensing Committee, it will determine each application on its own merit. Members of the Committee will consider all information attached to the application and the contents of this policy.

5. Consultation on Applications for Consents

- 5.1 When we receive an application for a Street Trading Consent the Council will consult with:

Lincolnshire County Council Highways or Highways Agency (depending on the area of trading)
South Kesteven District Council – Planning
South Kesteven District Council – Environmental Health
Town Council
Business Club/Chamber of Trade
Relevant businesses

6. Renewals

- 6.1 Street Trading Consents can be issued for a period of up to one year.
- 6.2 Applicants should then re-apply if they wish to continue to trade and submit an application at least one month before the expiry of their current consent. At this renewal time, the Licensing Officer will notify Highways and Environmental Health that the current holder has applied to renew their consent to trade.

7. Decisions

- 7.1 Following the determination of an application by the Committee - the applicant and any objectors will be notified of the decision at the end of the hearing. The Licensing Team will then send confirmation in writing, as soon as possible after the decision.
- 7.2 There is no right of appeal against refusal to issue consent. Where an application is refused, payment received with the application shall be refunded.

8. Exemptions

- 8.1 The Act makes certain activities exempt from the requirement to hold a consent. These are:
- pedlars acting under the Pedlars Act 1871;
 - anything done within a market or fair – please refer to paragraph 12;
 - trading on a trunk road picnic area under Section 112 of the Highways Act 1980;
 - news vendors selling only newspapers or periodicals;
 - petrol filling stations
 - shop forecourts
 - roundsmen (as they have defined customers, defined routes). The Council will refer to recent case law in their interpretation (Kempin v Brighton & Hove where, in the

absence of a statutory definition, the Court defined a roundsman to be “one who goes the round of his customers for orders and the delivery of goods”).

- objects or structures placed on, in or over a highway under Part VIIA of the Highways Act 1980 – table & chairs on the highway;
- operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980;
- street collections.

9. Hours of Trading

9.1 Hours of trading within the South Kesteven District will be determined as appropriate.

10. Trading on Market Days

10.1 Street Trading will not be permitted at locations which conflict with market days or during fairs in the District.

11. More Than One Trader in a Location

11.1 The Council will normally only allow one trader to hold a consent in a specific location, unless the second applicant wishes to trade in a different commodity.

11.2 The exceptions to this rule are:

- (a) where a special event is arranged and there will be more than one trader covered by the event consent; and
- (b) in the case of “Mobile Traders” – where a vehicle is stationary for less than 15 minutes in one location and doesn’t return to the area within 2 hours.

12. Special Events

12.1 At charitable events, we will issue one consent to the person organising the event, rather than to each individual trader. This policy is aimed at promoting events and encouraging more traders to attend them.

12.2 The number of traders covered is as follows:

Category 1 – Up to 20 traders – 50% of individual fee

Category 2 – Over 20 traders – 25% of individual fee

NOTE: *If the event is being held on behalf of raising funds for a charity, etc. the Council has the discretion to waive the fee.*

13. Markets

13.1 Statutory markets, or markets and fairs granted by charter, are exempt from requiring consent.

14. Planning Permission

14.1 Where trading takes place on private land where the public have access without payment, there is a requirement to have a street trading consent.

In such cases the applicant must make enquiries with regard to planning permission and to seek the landowner's permission to trade.

14.2 The onus is on the applicant to obtain both planning permission and permission to trade from the landowner prior to making an application for street trading consent. It is not the responsibility of the issuing Authority to investigate and obtain this information.

15. Licensing Act 2003

15.1 In addition to the requirement of having a street trading consent, applicants who sell hot food or drink between 2300 hrs and 0500 hrs will need a Premises Licence under the Licensing Act 2003.

APPENDIX A

CRITERIA FOR ASSESSING APPLICATIONS

All applications will be considered individually, in accordance with the following criteria:

- 1 No application will be considered if the area stated is in a residential location where trading would not normally take place.
- 2 Consent will not be given for a location where it is not safe for customers to stand, e.g. on the highway.
- 3 Consent will not be granted if it is in direct competition with other local traders e.g. shops/cafes, etc. providing similar services.
- 4 The Council will determine times that trading will take place depending on the location.
- 5 Risk assessments will be carried out in accordance with guidance from LCC Highways.
- 6 Officers will determine the type of goods and units that may be used according to the area requested. For example, anybody wishing to trade in a conservation area does so only from traditional style barrows/vehicles, selling traditional ware, crafts, foods, etc.

APPENDIX B

CONDITIONS

The following conditions are attached to all street trading consents:

- This street trading consent does not convey any other approvals that may be necessary under the Food Hygiene regulations, Planning legislation or other appropriate legislation.
- Trading is permitted only from the stall or vehicle, details of which has been previously supplied to the Council and shall be confined thereto.
- Trading is permitted only from the position or the area specified in the consent.
- Trading is only permitted in the type of goods specified in the consent.
- The holder shall comply with all appropriate statutory provisions e.g. food hygiene, advertisement control and health and safety regulations.
- The holder of a street trading consent shall take all reasonable precautions to prevent obstruction of the street or danger to persons using the street and to prevent nuisance or annoyance, whether to persons using the street or otherwise.
- Street trading consent shall be limited to times and days for trading purposes and all vehicles, trailers and equipment, etc. shall be removed at the end of each trading period.
- The holder of a street trading consent shall ensure that suitable arrangements are made for the disposal of any litter that may be caused in connection with the trading permitted under this consent.
- The holder of a street trading consent shall be required to seek the approval of the Council to any proposed change to the mode of trading permitted under the consent.
- The street trading consent shall be displayed on the vehicle used in connection with the trading.
- The consent holder shall not at any time cause or permit any goods or produce to be stored or displayed at the side of the unit, or place any table, chair, trestle, box or other structure in the consent street without permission from Lincolnshire County Council, as a pavement café licence may be required.
- Any major damage caused to the site that can be directly attributed to the presence of a street trader may be taken into account during the consideration of renewal consent.
- In exceptional circumstances the unit may have to be moved by the operator without prior warning for emergency reasons.
- This street trading consent does not convey any right to trade on privately owned property.
- Consents are personal to the applicant and are not transferable. Once the consent has been issued to an individual it will only be renewed to that individual. This is to prevent the pitch being sold on for a monetary gain.

Do not assume that these rules apply to other districts – some local authorities do not allow any street trading and, in any event, local conditions may vary.