

BLACKPOOL COUNCIL

Horse Drawn Hackney Carriages

Preface

This Statement of Licensing Policy sets out the council's requirements for vehicles to be licensed as horse drawn hackney carriages under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976

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1 Introduction

The licensing of hackney carriages is governed by Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976. This places on Blackpool Council as the Licensing Authority (the “Authority”) the duty to carry out its licensing functions in respect of hackney carriages.

In setting out its policy, the Authority seeks to promote the following objectives:

- (i) The protection of public health and safety;
- (ii) The establishment of a professional and respected hackney carriage and private hire trade;
- (iii) Access to an efficient and effective public transport service;

The aim of the licensing process, in this context, is to regulate the horse drawn hackney carriage trade 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.

When considering each of the policies detailed in this document we have endeavoured 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. When considering each part of the policy, the following question has been asked:

“Whether those costs are really commensurate with the benefits a policy is meant to achieve”.

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

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 will be given for so doing.

The Authority currently licences 300 hackney carriages, 44 of which are horse drawn. There are 63 licensed horse drawn hackney carriage drivers.

2. Carriages

2.1 Limitation of numbers

The grant of a hackney carriage licence may be refused, for the purpose of limiting the number of licensed taxis if the Local Authority is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply), which is unmet. In the event of a challenge to a decision to refuse a licence, it would, therefore, have to be established that the authority had reasonably been satisfied that there was no significant unmet demand

The Authority, to determine whether there is any unmet demand in respect of the motorised part of the trade undertakes surveys at 3 yearly intervals. The last review took place in October 2009, which indicated no unmet demand.

The policy of Blackpool Council is that the number of hackney carriage licences will continue to be restricted to 300 - 256 motorised and with 44 horse drawn vehicles.

2.2 Carriage Specification

The Council is permitted a wide discretion in deciding what it will and will not licence by Section 47(2) of the 1976 Act:

(1) A district council* may attach to the grant of a licence of a hackney carriage under the Act of 1847 such conditions as the district council may consider reasonably necessary

(2) Without prejudice to the generality of the foregoing subsection, a district council may require any hackney carriage licensed by them under the Act of 1847 to be of such design or appearance or bear any such distinguishing marks as shall clearly identify it as a hackney carriage.

(*A District council is deemed by the Act to include Unitary Authorities)

The basic requirements for a carriage are:

- Must be drawn by only one horse,
- 4 wheels
- A compartment for the passengers to be carried in
- Capable of carrying a minimum of four and up to six passengers (dependant upon construction)
- In the opinion of the Council Appointed Inspector, safe for use as a hackney carriage vehicle on a road

The Council has a wide discretion over what vehicles it licences as a hackney carriage. Section 42(2)(2) of the local Government (Miscellaneous Provisions) Act 1976 states that "...a district council

may require and hackney carriage licensed by them under the Act of 1847 to be of such design or appearance or bear any such distinguishing marks as shall clearly identify it as a hackney carriage”

There are currently 44 licensed horse drawn hackney carriages, 2 of these licences are Cinderella Style carriages.

There is no prescribed style of carriage. Whilst it is open to operators to source new styles of carriages, the ultimate decision on licensing rests with members of the Public Protection Sub-Committee. Applicants proposing to licence a carriage other than a traditional style landau will be required to produce the carriage to the sub-committee for inspection and approval. Guidance notes will be produced by the sub-committee.

2.3 Signage

Every licensed carriage must display a plate to the rear which indicates the licence number and licence expiry date together with any additional information that the Authority may from time to time prescribe.

Every licensed hackney carriage must display a “How Am I Driving?” plate clearly visible to the rear of the vehicle. The plate will display the telephone number 0800 0730628. This number is linked to the Authority’s Public Protection Section who will record and investigate any complaints made. Details of the scheme will be publicised in Hotels & Guest Houses to encourage reports of overcharging, incivility or other poor service provision.

“How Am I Driving?” plates will be provided by the Authority’s Licensing Service.

2.4 Carriage Testing

Annual Inspection

All carriages to be licensed for the forthcoming year must be presented for inspection and testing on the date appointed for such testing by the licensing authority. All licence holders will be given advance notice of the dates and location of the annual test. For the comfort and convenience of all concerned, efforts will be made to provide a location with indoor facilities in the case of inclement weather.

All carriages must be produced with a full set of tack, although in the case of multiple licence holders, each carriage need not be produced with its own horse.

At the annual inspection, each carriage will be fitted with a tag or similar device carrying a unique identification number. This tag must

not be tampered with. The licensing service must be notified immediately if any damage is caused to this tag.

Interim Inspections

From time to time it will be necessary to have a carriage inspected either after accident damage, or where there is to be a change of carriage part way through the season. Private arrangements must not be made with the Council's appointed inspector. All such inspections must be arranged through the licensing service, and a licensing/enforcement officer must be present when the inspection takes place.

2.5 Conditions

All horse drawn hackney carriage licences will be issued subject to the following conditions:

1. No horse shall be harnessed to, or used in connection with the licensed vehicle unless within the preceding twelve months, a veterinary surgeon has examined the horse and issued in respect of it a certificate of fitness in a form approved by the Council. This certificate shall be returned to the Licensing Service forthwith
2. Vets papers relating to the horse in harness should be available for inspection on request by an authorised officer
3. A horse which is harnessed to or used in connection with a licensed hackney carriage shall not be used for more than 7 hours of work in any one day.
4. If in harness for seven consecutive hours, the horse shall during that period have a break of not less than one hour and shall be fed and watered,
5. No horse shall be harnessed to or used in connection with the licensed vehicle unless it is fitted with an identifying microchip, the number of which has been notified to the Licensing Service
6. All carriages must be fitted with a dung catching device while the carriage is in use on any public highway. If requested to do so by a licensing enforcement officer, a tight leather strap must be placed between the bungee and the lock to prevent the bungee from sliding back.
7. Lights and signals (where so directed) should be fitted to the carriage at all times and should be capable of being lit by the driver. Between dusk and dawn lighting on a carriage is restricted to two standard rear position lamps and two standard front position lamps only.
8. The table of fares as prescribed by Blackpool Council shall be displayed in the carriage in such a manner that it is capable of being easily viewed by the passengers being conveyed in the carriage.
9. When carrying members of the public, only persons registered with/licensed by Blackpool Council in respect of horse drawn

hackney carriages and the fare paying passengers may be carried on the vehicle.

2.6 Application Procedure

The application procedures for hackney carriage licences are set out in Appendix A

2.7 Consideration of applications

The Authority will 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.

Where criminal convictions have been disclosed on the application form, they will be considered in accordance with the policy set out at 3.5. Applicants must be aware that Section 42 Town Police Clauses Act 1847 requires that the licensing authority maintain a register containing amongst other things, the details of every criminal offence committed by a hackney carriage proprietor and that this register must be made available for inspection by members of the public.

2.8 Grant and Renewal of Licences

Hackney carriage or private hire vehicle licences will continue to be granted for a one-year period from the date of grant, subject to the power to grant a licence for a shorter period, should this be appropriate in the circumstances.

Application forms, appropriate fees, and supporting documentation, as set out in Appendix A, must be submitted at least 7 days prior to the expiry of the previous licence.

3. Drivers

3.1 Age and Experience

A licence to drive a horse drawn hackney carriage will not be granted to a person who is under 18 years of age. There is no upper age limit. In addition, a licence will not be granted to anyone over 18 who have not held a full driving licence for a period of one year.

3.2 Driving Proficiency and Qualifications

Applicants for a new licence will be required to pass the horse drawn hackney carriage driving test. This test will be expanded to assess driving on the Promenade. A theory test will be developed and introduced no later than 1st November 2010.

3.3 Medical Fitness

Previously, only horse drawn hackney carriage drivers over the age of 65 have been required to submit evidence of their medical fitness before being licensed. It is now proposed to bring medicals for horse drawn hackney carriage drivers in line with those already in existence for motorised hackney carriage drivers.

- They carry members of the public who expect a safe journey
- They are on the road for longer hours than the most car drivers
- They have to assist disabled passengers and handle luggage.

The DVLA recommend that hackney carriage and private hire vehicle drivers should be subject to the Group 2 medical standards applicable to applicants for licences to drive buses and Lorries, therefore with effect from 1st October 2010, the Authority proposes to introduce this medical standard for both new applicants and existing drivers applying for renewal.

Existing licence holders of 65 and over must be examined annually. Drivers aged less than 65 yrs of age must undergo a medical every 3 years. Holders of current PSV and/or HGV Licences, where the holder is able to produce proof of current medical examination, will not be required to undergo a further medical examination.

Licence holders must advise the Authority of any deterioration in their health that may affect their driving capabilities.

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 Doctor appointed by the Authority.

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

On renewal no licence will be issued until medical clearance (if required) has been established.

3.4 CRB Disclosures

A criminal record check on a driver is seen as an important safety measure. Enhanced Disclosure through the Criminal Records Bureau is required as these disclosures include details of spent convictions and police cautions.

The Rehabilitation of Offenders Act 1974 does not apply to applicants for both hackney and private hire driving licences. They are required to

disclose all convictions, including those that would normally be regarded as spent.

Before an application for a driver's licence will be considered, the applicant must provide a current (less than 3 months old) Enhanced CRB Disclosure of criminal convictions or a certificate of good conduct from the relevant embassy in the case of an overseas applicant.

The Authority is an approved Criminal Records Bureau body; therefore, applicants can deal with the Criminal Records Bureau through the Authority and will be charged an appropriate fee.

If a driver can satisfy the Authority that they have been conviction or warning free for a minimum period of five years, CRB checks will be required once in every three-year period. A conviction or warning imposed after the licence has been issued/renewed MAY result in a return to annual CRB checks for appropriate offences. Licensed drivers are obliged to notify the Authority without delay of any criminal convictions. Where criminal records are not being checked every 12 months, it is clearly more important that this requirement is strictly adhered to and accordingly any breaches of this requirement will immediately become the subject of a disciplinary hearing where a firm line will be taken with the licence holder

It is proposed that some additional controls be introduced. These include the licence holder be required to formally confirm (by signing a declaration) both their licence details and the fact that they have not been convicted of any offence.

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

3.5 Relevance of convictions and cautions

In relation to previous convictions and formal cautions, the Authority will have regard to the following:

- (i) Whether the convictions are spent or unspent;
- (ii) The class of the offences;
- (iii) The age of the offences;
- (iv) The apparent seriousness, as gauged by the penalty

In particular, applications will be referred to the Public Protection Sub Committee where the applicant's record includes one or more of the following:

- Any term of imprisonment or custody;
- Any conviction for a violent or sexual offence, or dishonesty, which is of a serious nature;
- Any serious motoring offence, such as dangerous driving, driving whilst disqualified, or drink driving;
- Any drug related offence.
- Any offence relating to horses or the driving of horse drawn carriages of any description (including carts)

Applicants should be aware that the Sub-Committee are not restricted to taking into account information on conduct that arises solely from convictions and cautions. In assessing a person's suitability to be licensed/relicensed the Sub-Committee will take into consideration any information it believes to be relevant to the decision making process.

The overriding test is whether the applicant is fit and proper.

3.6 Licences

Drivers have the option of applying for a one year or three year licence subject to the CRB and medical cycle being aligned with the licence. A three year licence will not be available to a driver who is subject to annual CRBs. The Public Protection Sub-Committee will also retain discretion to remove a driver's ability to apply for a three year licence.

3.7 Application Procedure

An application for a horse drawn hackney carriage driver's licence must be made on the specified application form. The application procedure is set out in Appendix C.

3.8 Grant and Renewal of Licences

Application forms, appropriate fees, and supporting documentation, as set out in Appendix C, must be submitted at least 7 days prior to the expiry of the previous licence to ensure that the new licence and badge has been issued before the expiry of the current licence.

Once the licence has expired, renewal applications cannot be accepted and all applications will be treated as "new". Applications submitted less than one calendar month after expiry will be able to rely on existing medical and CRB clearance (if in date) however, applicants should note that they will be unable to drive until the licence and badge have been issued to them – this may take a few days.

Applications received more than one calendar month after the expiry of the licence will be treated as full new applications and new CRB and Medical clearance will be required before the new licence will be granted.

Applicants for renewal of a hackney carriage or private hire driver's licence are required to provide a current (less than 3 months old) enhanced criminal record check from the Criminal Records Bureau every third year. Applicants who are aged 65 or over must provide evidence of their medical fitness to hold a licence upon renewal each year.

No licences will be issued or renewed unless medical clearance has been established.

3.9 Trainee Drivers & Registered Assistants

The licensing authority recognise that persons wishing to apply for a horse drawn hackney carriage licence may need to undertake a period of training to acquire sufficient driving experience to pass the driving test. On occasions it also might be necessary for a licensed driver to seek assistance from another person for example when training a new horse. The licensing authority have however the responsibility to protect the public by ensuring that only fit and proper people are permitted to work with horse drawn hackney carriages.

In consultation with the trade a trainee licence and a system of registration for assistants will be developed at the earliest opportunity.

3.10 Convictions during period of licence

Drivers, who are convicted of any criminal or motoring offence during the currency of their hackney or private hire driver's licence, must disclose the conviction and the penalty involved to the Authority within seven days. For these purposes, a fixed penalty motoring offence amounts to a conviction.

3.11 Driver's Dress Code

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. The code is to be found at Appendix B.

4 Disciplinary and Enforcement Measures

4.1 Disciplinary Hearings

Disciplinary matters may be referred to the Authority's Public Protection Sub Committee. One of the functions of this Committee is to consider the impact of transgressions of the law on the fitness of an individual to hold a hackney carriage or private hire licence, and to take the action appropriate to the circumstances.

4.2 Range of Powers

Issuing of warnings and cautions

Please refer to Blackpool Council's Quality Standards Enforcement Policy

Suspension

1. Vehicles can be suspended in accordance with section 68 of the Local Government (Miscellaneous Provisions) Act 1976 if an licensing enforcement officer is not satisfied as to the fitness of a vehicle. A suspension will always be given in writing.
2. The Authority may exercise its discretion to suspend the operation of a driver's licence for a specified period. The PPC are mainly responsible for any suspension of licence. An immediate suspension can only be taken by either the Principal Solicitor or Licensing Solicitor in consultation with the Chair or Vice Chair of the Public Protection Sub-Committee. The matter must then be referred to the PPC for consideration.

Revocation

Where a licence holder has been referred to the Public Protection Sub-Committee, the Committee may order the revocation or suspension of the licence.

Refusal to renew

As an alternative to revocation, the Committee may decide that the appropriate action, in a situation where the licence is shortly to expire, is to order that the licence shall not be renewed.

Prosecution

The Authority will prosecute in accordance with the Quality Standards Enforcement Policy.

4.3 Delegated Powers

The Public Protection Sub-Committee of the Authority is responsible for the management of the horse drawn hackney carriage licensing regime in the district, along with the formulation and review of its policy in this regard.

5. FARES

5.1 General

Taxi fares, set by a Local Authority, are a maximum, and can be negotiated downwards by the hirer. Licensing authorities have the power to set taxi fares for journeys within their area the Authority considers it good practice to review the fare scales at regular intervals, and will consider the fare scales on an annual basis. When determining the level of fares consideration will be given to what it is reasonable to expect the travelling public to pay as well as the need to give the drivers an incentive to provide a service at the times it is needed.

5.2 Table of Fares

A table of authorised maximum fares will be provided to each hackney carriage licence holder, which must then be displayed in each carriage so that it is easily visible to all hirers.

5.3 Review

Fares rates are currently, normally only reviewed by the Authority following representations from the trade or from a particular sector of the trade.

5.4 Receipts

A hackney carriage driver must, if requested by the passenger, provide him/her with a written receipt for the fare paid.

6. FEES

6.1 Fee Structure

The legislation provides that these should be sufficient to cover the costs of inspecting the vehicles, providing hackney carriage stands, and administering the control and supervision of horse drawn hackney carriages.

6.2 Payments

Fees for licences, or vehicle inspections must be made payable to the Authority.

6.3 Payment Refunds and Transfers

The appropriate fee must be paid when the application is submitted and that a charge will be levied to cover the administrative costs associated with the transfer of a vehicle. In the case of vehicle licences, where licence holder's surrender their licence prior to their expiry date. The Authority does not make any refunds in respect of the unexpired portions of the licence fees.

APPENDIX A

1.Application Procedures – Vehicles

- 1.1** When presenting an application, the following documents **MUST** accompany the application form –
- Public Liability Insurance
 - Vets Certificate and Horse Passport for the horses to be used (all horses must be micro-chipped)
- 1.2** The vehicle must be inspected by the Council Approved Inspector and passed as fit for purpose.
- 1.3** Upon receipt of a completed application form, an Officer of the Licensing Service shall consider the application, unless there are details, which are missing from the application form, or the supporting documents are incomplete. Where the application is incomplete, it shall not be considered until all the missing details or documents are supplied.
- 1.4** Applications for carriages that are in the opinion of the Licensing Service of traditional landau design may be granted under delegated powers.
- 1.5** Applications for carriages not covered by 1.4 above must be approved by the Public Protection Sub-Committee before a licence can be issued. At the Public Protection Sub Committee meeting, the Authority's members present will receive a report from the Senior Licensing Officer, and shall then hear representations from the applicant and may ask any questions of the applicant, before deciding upon whether a licence should be granted. The applicant will be told of the outcome immediately and this will be confirmed in writing within 7 days.
- 1.6** Successful applicants will be issued with a horse drawn hackney carriage licence together with the licence plate which must at all times be displayed at the rear of the vehicle
- 1.7** Unsuccessful applicants will be informed of their right to appeal against the decision to the magistrates' court within 21 days of receipt of the formal notice of refusal of the application.

2. Application procedures - Drivers

- 2.1 Applications for horse drawn hackney carriage drivers' licences are not limited and may be made at any time of the year. This is subject to the provisos that the Applicant must have held a full driving licence (which may be a European driving licence) for more than one year, and has attained the age of 18 years.
- 2.2 Applications are to be made on the prescribed application form.

3. The consideration of applications

- 3.1 Upon receipt of a completed application form, an Officer of the Licensing Service shall consider the application, unless there are details, which are missing from the application form, or the supporting documents are incomplete. Where the application is incomplete, it shall not be considered until all the missing details or documents are supplied.
- 3.2 If satisfied, from the information available, that the applicant is a fit and proper person to hold a hackney carriage and private hire licence, the Officer has the delegated power to grant the application.
- 3.3 Successful applicants will be notified in writing and issued with the appropriate licence. Those who are granted drivers' licences shall be issued with a Drivers' Badge, which shall remain the property of the Authority and must be surrendered when the driver ceases employment as a driver.
- 3.4 Where the Licensing Officer is not satisfied, on the information before him/her, that the applicant should be granted a licence, the matter must be referred to the Public Protection Sub-Committee. The applicant will be advised of the date, time and venue of the Committee at which the application will be considered.
- 3.5 At the Public Protection Sub Committee meeting, the Authority's members present will receive a report from the Senior Licensing Officer, and shall then hear representations from the applicant and may ask any questions of the applicant, before deciding upon whether a licence should be granted. The applicant will be told of the outcome immediately and this will be confirmed in writing within 7 days.
- 3.6 Unsuccessful applicants will be informed of their right to appeal against the decision to the magistrates' court within 21 days of receipt of the formal notice of refusal of the application.

APPENDIX B

Dress Code for Licensed Drivers

The Authority is committed to encouraging the professional image of the trade. The Authority considers that drivers should conform to a minimum standard of dress, as set out below, in order to raise and maintain the profile of the licensed trade.

The Authority does not impose such standards by way of conditions to any licence. It is expected, however, that such standards will be maintained at all times.

Acceptable Standards of Dress within this code

(1) Tops

- Shirts, blouses, T-shirts, or sweat tops should cover the shoulders and be capable of being worn inside trousers or shorts.
- Shirts or blouses can be worn with a tie or open-necked.

(2) Trousers/Shorts/Skirts

- Trousers may be either full length or shorts.
- Shorts should be tailored.

It is recommended that female drivers do not wear short skirts for personal safety reasons.

(3) Footwear

- Footwear should fit around the heel of the foot.

Unacceptable Standards of Dress within this Code

The following are deemed to be unacceptable:

- Bare chests
- Clothing or footwear which is unclean or damaged
- Clothing printed with words, logos or graphics, which might offend
- Sports shirts e.g. football, rugby or cricket tops or track suits
- Studs or sharp-edged clothing
- Beach-type footwear (e.g. flip-flops or mules)
- Footwear with pronounced heels
- Baseball caps
- Sports shorts