


8 June 2016

Committee	Licensing
Date	Thursday, 16 June 2016
Time of Meeting	2:30 pm
Venue	Committee Room 1

ALL MEMBERS OF THE COMMITTEE ARE REQUESTED TO ATTEND



**for Sara J Freckleton
Borough Solicitor**

Agenda

1. ANNOUNCEMENTS

When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the visitors' car park at the front of the building and await further instructions (staff should proceed to their usual assembly point). Please do not re-enter the building unless instructed to do so.

In the event of a fire any person with a disability should be assisted in leaving the building.

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

To receive apologies for absence and advise of any substitutions.



Item	Page(s)
3. DECLARATIONS OF INTEREST	
<p>Pursuant to the adoption by the Council on 26 June 2012 of the Tewkesbury Borough Council Code of Conduct, effective from 1 July 2012, as set out in Minute No. CL.34, Members are invited to declare any interest they may have in the business set out on the Agenda to which the approved Code applies.</p>	
4. MINUTES	1 - 6
<p>To approve the Minutes of the Licensing Committee meetings held on 11 February and 17 May 2016 and the Licensing Sub-Committee (Street Trading, Private Hire Vehicles, Drivers and Operators) meeting held on 4 February 2016.</p>	
5. REVIEW OF HACKNEY CARRIAGE TARIFF	7 - 11
<p>To approve the renewal of the current hackney carriage tariff until 31 July 2017.</p>	
6. REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE POLICY	12 - 55
<p>To consider the responses received during the consultation on the revised Hackney Carriage and Private Hire Licensing Policy and recommend to Council that it be adopted.</p>	
7. SEPARATE MINUTES	56 - 59
<p>To approve the separate Minutes of the Licensing Sub-Committee (Street Trading and Hackney Carriage and Private Hire Vehicles, Drivers and Operators) meeting held on 4 February 2016.</p>	

DATE OF NEXT MEETING
THURSDAY, 13 OCTOBER 2016
COUNCILLORS CONSTITUTING COMMITTEE

Councillors: Mrs K J Berry, Mrs G F Blackwell, G J Bocking, Mrs J E Day, A J Evans, R Furolo, R E Garnham (Chair), Mrs P A Godwin, Mrs J Greening (Vice-Chair), Mrs R M Hatton, Mrs A Hollaway, A S Reece, H A E Turbyfield, M J Williams and P N Workman

Substitution Arrangements

The Council has a substitution procedure and any substitutions will be announced at the beginning of the meeting.

Recording of Meetings

Please be aware that the proceedings of this meeting may be recorded and this may include recording of persons seated in the public gallery or speaking at the meeting. Please notify the Democratic Services Officer if you have any objections to this practice and the Chairman will take reasonable steps to ensure that any request not to be recorded is complied with.

Any recording must take place in such a way as to ensure that the view of Councillors, Officers, the public and press is not obstructed. The use of flash photography and/or additional lighting will not be allowed unless this has been discussed and agreed in advance of the meeting.

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Licensing Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Thursday, 11 February 2016 commencing at
2:30 pm**

Present:

Chair

Councillor R E Garnham

and Councillors:

Mrs K J Berry, Mrs G F Blackwell, G J Bocking, Mrs J E Day, R D East (Substitute for H A E Turbyfield), A J Evans, R Furolo, A S Reece and R J E Vines (Substitute for Mrs R M Hatton)

LIC.18 ANNOUNCEMENTS

18.1 The evacuation procedure, as noted on the Agenda, was taken as read.

LIC.19 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

19.1 Apologies for absence were received from Councillors Mrs P A Godwin, Mrs J Greening (Vice-Chair), Mrs R M Hatton, Mrs A Hollaway, H A E Turbyfield, M J Williams and P N Workman. Councillors R D East and R J E Vines would be acting as substitutes for the meeting.

LIC.20 DECLARATIONS OF INTEREST

20.1 The Committee's attention was drawn to the Tewkesbury Borough Council Code of Conduct which was adopted by the Council on 26 June 2012 and took effect from 1 July 2012.

20.2 There were no declarations made on this occasion.

LIC.21 MINUTES

21.1 The Minutes of the Licensing Committee meeting held on 26 November 2015; the Licensing Sub-Committee (Street Trading and Hackney Carriage and Private Hire Vehicles, Drivers and Operators) meeting held on 10 December 2015; and the Licensing Sub-Committee (Licensing Act 2003 and Gambling Act 2005) meeting held on 22 December 2015, copies of which had been circulated, were approved as correct records and signed by the Chair.

LIC.22 REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE POLICIES

22.1 The report of the Licensing and Systems Officer, circulated at Pages No. 15-109, proposed that the Council's Hackney Carriage and Private Hire Licensing Policy be re-drafted. Members were asked to approve the revised draft policy for a six week consultation.

- 22.2 The Licensing and Systems Officer explained that it was his responsibility to evaluate licensing policy and provide recommendations to the Committee as to how they should be updated. There were currently five sets of policies, five sets of conditions and one set of bylaws governing hackney carriage and private hire licensing at Tewkesbury Borough Council. There had been various amendments to the policies and conditions over the last few years but they had not been reviewed collectively which had led to a lot of duplication which could cause confusion for applicants, existing licence holders, Officers and Members. If the matters outlined in the report were not addressed this could leave the Council open to legal challenges. The proposed revised Hackney Carriage and Private Hire Licensing Policy was attached at Appendix B to the report and a summary of the proposed changes had been circulated separately around the table. It was intended to update the policy in line with current legislation and best practice in order to ensure it was clear, fit for purpose and reflected the nature of local trade. Once the draft policy had been approved, it would be subject to a six week consultation and any responses received during that period would be reported to the Licensing Committee. The revised policy would then be recommended to Council for adoption.
- 22.3 The Chair indicated that it was very important that a review of the policies be undertaken. He had noticed several important amendments which had been made to the new policy including a requirement for English proficiency, safeguarding training, changes to medical conditions and proof of eligibility to work in the UK and he welcomed a single policy which was clear and concise as opposed to a large number of different policies and conditions. A Member queried why no maximum age was proposed for licensed vehicles and was informed that each Council could set its own limit. The majority of private hire vehicles within Tewkesbury Borough were for school contracts and had often been subject to a lot of modification in order to provide disabled access. Vehicles tended to last for a lot longer than they had previously and the Department of Transport recommended that an MOT test was sufficient to confirm the safety of the vehicle. No age limit had been imposed previously due to the nature of the local trade and it was considered that it would be too onerous for private hire drivers if one was introduced within the revised policy. The Member suggested that drivers should be required to carry out visual checks of their vehicles on a daily basis and to check the tyres etc. The Licensing and Systems Officer indicated that this was a condition which drivers were required to adhere to but was very difficult to enforce. He suggested that it could be included as additional guidance within the application form but he did not feel it should be included in the policy itself. Members indicated that they would welcome this inclusion.
- 22.4 A Member sought clarification as to what DSA stood for and was advised that, this acronym was no longer relevant and needed to be replaced with DVSA which was the Driver and Vehicle Standards Agency. This would be amended within the draft policy prior to consultation. A Member drew attention to the existing bylaws and questioned why they referred to 'he' as opposed to 'they'. The Licensing and Systems Officer explained that the bylaws had been adopted in 1978 and there was a lengthy legal procedure to try to amend them. He clarified that the standard for Plain English was to refer to 'they' regardless of whether it was single or plural. A Member noted that the current Hackney Carriage and Private Hire Licensing Policy stated that, when an applicant's first language was not English, the applicant may need to demonstrate that they had a basic standard of English speaking and understanding and she questioned if there had ever been a need to do this. The Licensing and Systems Officer confirmed that many applicants were from outside the UK which caused difficulties when the appropriate documentation could not be produced to prove eligibility to work in the UK. Some drivers had difficulty producing a certificate of residency and instead relied on Disclosure and Barring

Service (DBS) certificates and a judgement had to be made in those instances; if the applicant was from the European Union then this was generally relied upon but, if it was another country, Officers would need to take a view.

- 22.5 A Member drew attention to Page No. 78, Paragraph 2.4 of the draft revised policy, which set out that Officers may request that work identified on the MOT test be undertaken before a licence was granted, or within a certain timeframe of the licence being granted. If vehicles were found to be in breach of licence conditions, Officers may require the proprietor to bring all licensed vehicles to the Council for inspection and he questioned whether this should be set out as a requirement for operators. The Licensing and Systems Officer agreed that this paragraph should be referenced within the operators section of the policy. A Member raised concern that it could be very difficult to tell that vehicles were taxis due to the amount of advertising. She was informed that private hire vehicles were permitted to have advertising all over and this was supported by case law. The policy did state that private hire and hackney carriage vehicles could not imitate one another; in some cities private hire vehicles had roof lights as well as hackney carriages and that could be very confusing. A Member queried whether the local authority had to inform the licensing authority before it used advertising on a licenced vehicle and was advised that there was no requirement to do so. If adverts were offensive or unsuitable then the licensing authority reserved the right to review. As an aside, the Licensing and Systems Officer explained that CCTV could be installed in licenced vehicles but must be used in accordance with the Data Protection Act 1998.
- 22.6 With regard to Page No. 80, Paragraph 2.1.4 of the draft revised policy, which set out that drivers and operators must inform Licensing Officers when a hackney carriage or private hire vehicle was involved in a road traffic accident, the Member suggested that 'however minor' should be added to the statement. The Licensing and Systems Officer clarified that minor accidents did need to be reported, from an insurance perspective as well as in relation to health and safety, and he undertook to make this amendment. A Member noted that it was proposed that the revised policy include a requirement to report accidents within three days and he queried whether this was too long. In response, Members were advised that three days was thought to be appropriate in case the accident happened at the weekend when the Council was closed or if the driver was required to go to the hospital etc.
- 22.7 In respect of Page No. 84, Paragraph 3.8 of the draft revised policy, which referred to relevance of convictions and cautions, a Member questioned whether something should be added to points a) - e) about patterns of offending or repeat offences. The Licensing and Systems Officer advised that this was covered in assessing whether the applicant was a 'fit and proper' person to hold a licence; regardless of whether convictions were spent or unspent, there was a need to fulfil this criteria. Page No. 96, Section 2 of Appendix B of the draft revised policy, referred to novelty vehicles and it was suggested that additional examples be provided as to what this covered, for instance, a fire engine was a licenced vehicle within Cheltenham Borough. The Licensing and Systems Officer indicated that novelty vehicles used to be quite common but now tended to be less prevalent, nevertheless he would be happy to make this amendment. A Member noted that the specification for novelty vehicles set out that vehicles must carry a spare wheel and he raised concern that many new vehicles had a repair kit instead of a spare wheel. The Licensing and Systems Officer confirmed that this was a specific requirement for novelty vehicles which may be unfamiliar and therefore repair kits may be unsuitable. It was noted that Page No. 90, Paragraph 4 of Appendix A of the draft revised policy, stated that hackney carriage vehicles must carry 'a spare wheel suitable for immediate use and properly maintained; if the spare wheel is of the temporary space saver type, it may only be used to complete the particular journey or hiring the vehicle is engaged on when the wheel change is necessary and vehicles that have modern technology may be exempt from this condition at

the discretion of the Council'.

22.8 With regard to a query as to the location of an operator base, the Licensing and Systems Officer provided clarification that the locations where an operator made provision for taking a booking must be within the boundaries of the licensing authority. Drivers working for the operator could live anywhere and customers could make bookings with any operator; changes to legislation also meant that bookings could be passed to operators in other districts or boroughs.

22.9 Having considered the information provided it was

RESOLVED

That the revised draft Hackney Carriage and Private Hire Licensing Policy be **APPROVED** for a six week consultation subject to:

- an amendment to the operators section of the policy referring to Paragraph 2.4 of the policy which stated that Officers may request that work identified on the MOT test be undertaken before a licence was granted, or within a certain timeframe of the licence being granted. If vehicles were found to be in breach of licence conditions, Officers may require the proprietor to bring all licenced vehicles to the Council for inspection;
- amendments to change the acronym 'DSA' to 'Driver and Vehicle Standards Agency (DVSA)' throughout the policy;
- an amendment to Page No. 80, Paragraph 2.14 – Accidents to state that 'Drivers and operators must inform Licensing Officers when a hackney carriage or private hire vehicle is involved in a road traffic accident, *however minor*';
- an amendment to Page No. 96, Appendix B, Section 2 , Novelty Vehicles to cite 'fire engine' as an example of a vehicle which may fall into the 'special event' category; and,
- the additional guidance within the application being amended to recommend that drivers undertook a daily visual inspection of their vehicle.

LIC.23 SEPARATE BUSINESS

23.1 On a proposal from the Chair, it was

RESOLVED

That, under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely discussion of exempt information as defined in Part 1 of Schedule 12A of the Act.

LIC.24 SEPARATE MINUTES

24.1 The separate Minutes of the Licensing Sub-Committee (Street Trading and Hackney Carriage and Private Hire Vehicles, Drivers and Operators) meeting held on 10 December 2015, copies of which had been circulated, were approved as a correct record and signed by the Chair.

The meeting closed at 3:05pm

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Licensing Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Tuesday, 17 May 2016 commencing at 6:15 pm**

Present:

Chair
Vice Chair

Councillor Mrs G F Blackwell
Councillor Mrs J Greening

and Councillors:

Mrs K J Berry, Mrs G F Blackwell, G J Bocking, A J Evans, R Furolo, Mrs P A Godwin,
Mrs R M Hatton, Mrs A Hollaway, A S Reece, H A E Turbyfield, M J Williams and P N Workman

LIC.1 ELECTION OF CHAIR

1.1 The Mayor opened the meeting by seeking nominations for the Chairmanship of the Committee.

1.2 It was proposed and seconded that Councillor R E Garnham be nominated as Chair of the Committee. Upon being put to the vote it was

RESOLVED That Councillor R E Garnham be elected as Chair of the Licensing Committee for the ensuing Municipal Year.

LIC.2 APPOINTMENT OF VICE-CHAIR

2.1 In the absence of the Chair, the Mayor invited nominations for the Vice-Chair of the Committee.

2.2 It was proposed and seconded that Councillor Mrs J Greening be nominated as Vice-Chair of the Committee. Upon being put to the vote it was

RESOLVED That Councillor Mrs J Greening be appointed as Vice-Chair of the Licensing Committee for the ensuing Municipal Year.

The meeting closed at 6:20 pm

TEWKESBURY BOROUGH COUNCIL

Minutes of a Meeting of the Licensing Sub-Committee (Street Trading and Hackney Carriage and Private Hire Vehicles, Drivers and Operators) held at the Council Offices, Gloucester Road, Tewkesbury on Thursday, 4 February 2016 commencing at 10:30 am

Present:

Chair

Councillor R E Garnham

and Councillors:

Mrs J E Day and A S Reece

LSB/B.18 ELECTION OF CHAIRMAN

18.1 It was proposed, seconded and

RESOLVED That Councillor R E Garnham be appointed as Chair for the meeting.

LSB/B.19 ANNOUNCEMENTS

19.1 The evacuation procedure, as noted on the Agenda, was advised to those present.

LSB/B.20 DECLARATIONS OF INTEREST

20.1 The Committee's attention was drawn to the Tewkesbury Borough Council Code of Conduct which was adopted by the Council on 26 June 2012 and took effect from 1 July 2012.

20.2 There were no declarations made on this occasion.

LSB/B.21 SEPARATE BUSINESS

21.1 On a proposal from the Chair, it was

RESOLVED That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.

LSB/B.22 APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE

(Exempt – Paragraph 2 of Part 1 of Schedule 12A of the Local Government Act 1972 – Information which is likely to reveal the identity of an individual)

22.1 The Sub-Committee granted an application for a private hire driver's licence.

The meeting closed at 11:15 am

TEWKESBURY BOROUGH COUNCIL

Report to:	Licensing Committee
Date of Meeting:	16 June 2016
Subject:	Review of the Hackney Carriage Tariff
Report of:	Bhavdip Nakum, Licensing and Systems Officer
Corporate Lead:	Richard Kirk, Interim Environmental Services and Housing Group Manager
Lead Member:	Councillor J R Mason
Number of Appendices:	One

<p>Executive Summary:</p> <p>The current hackney carriage tariff was set by the Licensing Committee on 17 July 2014 and came into effect on the 18 July 2014.</p> <p>The Licensing Committee has resolved that a review of the hackney carriage tariff be carried out on an annual basis. The hackney carriage tariff is therefore due to be reviewed.</p>
<p>Recommendation:</p> <p>To APPROVE the renew of the current hackney carriage tariff until 31 July 2017.</p>
<p>Reasons for Recommendation:</p> <p>The proprietors of the hackney carriages licensed by the Council were all consulted and have not requested any amendments and therefore there is not considered to be a case for amending the tariff at the present time.</p>

<p>Resource Implications:</p> <p>The costs involved in carrying out the legal process to advertise any amendment to the tariff would be met from existing resources.</p>
<p>Legal Implications:</p> <p>Section 65 of the Local Government (Miscellaneous Provisions) Act 1976, which has been adopted by the Council, allows a District Council to fix and vary a table of fares for hackney carriages in the area.</p>
<p>Risk Management Implications:</p> <p>None.</p>

Performance Management Follow-up:

If the Committee resolve to amend the tariff, there will be a need to carry out the legal process required to vary the table of fares for hackney carriages and notify all the proprietors of hackney carriages.

Environmental Implications:

None.

1.0 BACKGROUND

- 1.1 Section 65 of the Local Government (Miscellaneous Provisions) Act 1976, which has been adopted by the Council, allows a District Council to fix and vary maximum tariffs for hackney carriages in the area.
- 1.2 The tariffs are the maximum that the proprietor of a hackney carriage may legally charge a passenger for a journey. There is no requirement for the hackney carriage driver to charge the maximum amount, and they are free to charge a lower amount if they so wish.
- 1.3 Currently, there are four hackney carriage vehicles licensed by Tewkesbury Borough Council. The current tariffs came into effect on 18 July 2014 and this is shown at **Appendix A**.
- 1.4 Tariff one currently operates between 7am and 11pm each day (excluding Sundays). Tariff two currently operates between 11pm and 7am each day and on Sundays and public holidays.
- 1.5 The “flag charge” is the initial amount that a passenger is charged for hiring a hackney carriage vehicle, irrespective of the distance subsequently travelled on the journey.
- 1.6 The “flag distance” is how far the hackney carriage travels before additional cost is incurred by the hirer over and above the flag charge.
- 1.7 The “running mile” cost is the amount per mile that a passenger has to pay, once the journey is underway and the flag distance has been completed.
- 1.8 When a hackney carriage vehicle is stationary whilst hired, the amount charged is calculated by time rather than distance. The amount charged as “waiting time” is the amount that a passenger is liable to pay when a hired vehicle is stationary.
- 1.9 The “additional charges” are those that hackney carriage drivers are permitted to levy in respect of specific factors relating to journeys undertaken in the vehicle.
- 1.10 When comparing hackney carriage fares between Districts, the comparison is usually drawn based on the cost of a two mile journey, as this has been deemed to be the average distance undertaken by someone hiring a hackney carriage.

2.0 PROCEDURE TO BE FOLLOWED IF THE TARIFFS ARE AMENDED

- 2.1** When varying the tariffs there is a statutory requirement to publish the proposal in the form of a Notice, specifying the day (the specified date) on which it will come into force, in at least one local newspaper and allow 14 days for any objections to be made. During that period a copy of the Notice must be available for inspection at the Council Offices at all reasonable hours.
- 2.2** If no objections are received, or all of the objections are withdrawn, then the variation will come into effect on the specified date. However, if objections are not withdrawn, the Council must consider them and set a date, no later than two months when the tariffs shall come into effect with or without amendment.
- 2.3** If any objections are made, Members will need to consider the Human Rights Act 1998 at that stage, in particular Article 1 of the First Protocol regarding protection of property which extends to the hackney carriage drivers' business.

3.0 ECONOMIC FACTORS

- 3.1** There has not been an increase in the in the fuel prices in the South West region since the last tariff was reviewed in July 2014. It is also important to acknowledge that fuel is not the only economic factor affecting the proprietors of licensed hackney carriage vehicles. According to the Office of National Statistics, the Consumer Price Inflation (CPI), which is the Government's target measure of inflation, was at 0.03% in April 2016. (<http://www.ons.gov.uk/economy/inflationandpriceindices/bulletins/consumerpriceinflation/apr2016>)

4.0 OTHER OPTIONS CONSIDERED

- 4.1** The Committee may decide to make amendments to the existing tariff. However given that none of the proprietors of the hackney carriages licensed by the Council have requested that any amendments are made, this is not considered appropriate.

5.0 CONSULTATION

- 5.1** All licensed proprietors of hackney carriages were contacted in March 2016 inviting them to make suggestions regarding amending the current tariff. No responses were received from the proprietors.

6.0 RELEVANT COUNCIL POLICIES/STRATEGIES

- 6.1** None.

7.0 RELEVANT GOVERNMENT POLICIES

- 7.1** DfT Taxi and Private Hire Vehicle Licensing: Best Practice Guidance.

8.0 RESOURCE IMPLICATIONS (Human/Property)

- 8.1** None.

9.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

- 9.1** None.


10.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

- 10.1** Consideration of the Human Rights Act 1998 as shown in 2.3 above.
- 10.2** Allowing taxi drivers to charge for the carriage of dogs could potentially give rise to discrimination against those that are aided by an assistance dog. Such a charge would also be unlawful in accordance with the Equality Act 2010.
- 10.3** Allowing taxi drivers to charge for the carriage of wheelchairs, walking frames or other similar mobility aids could potentially give rise to discrimination against individuals with certain disabilities.
- 10.4** Therefore the tariff makes clear that no additional charges can be made for carrying assistance dogs, wheelchairs, walking frames or any similar mobility aids.

11.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

- 11.1** Review of Hackney Carriage Tariff, Licensing Committee 28 July 2008.
Review of Hackney Carriage Tariff, Licensing Committee 11 June 2009.
Review of Hackney Carriage Tariff, Licensing Committee 10 June 2010.
Review of Hackney Carriage Tariff, Licensing Committee 9 June 2011.
Review of Hackney Carriage Tariff, Licensing Committee 7 June 2012.
Review of Hackney Carriage Tariff, Licensing Committee 6 June 2013.
Review of Hackney Carriage Tariff, Licensing Committee 17 July 2014.
Review of Hackney Carriage Tariff, Licensing Committee 17 June 2015.

Background Papers:	DfT Taxi and Private Hire Vehicle Licensing: Best Practice Guidance.
Contact Officer:	Bhavdip Nakum, Licensing and Systems Officer Tel: 01684 272044 Email: bhavdip.nakum@teWKesbury.gov.uk
Appendices:	A – Current Tariff.

	AUTHORISED FARE CARD	
	To be displayed prominently in each Hackney Carriage	
	LICENCE NO: *	
	VEHICLE REG. NO: *	
	FOR THE CARRIAGE OF	* PASSENGERS

If a fare has not been agreed in advance, a driver is entitled to engage his meter at the point of hire.

Mileage

Rate 1 – For hiring between 7am and 11pm (not Sundays)

- a) For the first 660 yards (603.5 metres approx.) or part thereof.....£2.60
 b) For each subsequent 220 yards (201.2 metres approx.) or part thereof..... 25p
 Waiting time – for each 1 minute or part thereof.....35p

Rate 2 – For hiring between 11pm and 7am including Sundays and Public Holidays

- a) For the first 660 yards (603.5 metres approx.) or part thereof.....£3.60
 b) For each subsequent 220 yards (201.2 metres approx.) or part thereof.....30p
 Waiting time – for each 1 minute or part thereof.....35p

Additional Charges

- For each passenger over 1 per journey or part thereof.....50p
 For each item of luggage carried in the luggage compartment of the vehicle.....25p
 (up to a maximum of £1)
 For each bicycle carried.....50p
 For each animal carried.....50p
 (No charge may be made for carrying assistance dogs, wheelchairs, walking frames or any other similar mobility aids)

Conditions of Hiring

1. The charges printed are the maximum permitted to be charged for each journey within the Borough of Tewkesbury.
2. Intoxicated or troublesome persons carried at the driver's discretion.

Check the tariff and the total sum demanded with the taximeter.

In the event of any dispute please ask for a detailed receipt showing the taxi licence number and driver's badge number.

In case of a complaint, please write to: The Licensing Officer, Tewkesbury Borough Council, The Council Offices, Gloucester Road, Tewkesbury, GL20 5TT.

Email: licensing@tewkesbury.gov.uk

IT IS AN OFFENCE TO CAUSE OR PERMIT ANY ALTERATION TO THIS CARD.

TEWKESBURY BOROUGH COUNCIL

Report to:	Licensing Committee
Date of Meeting:	16 June 2016
Subject:	Revision of Hackney Carriage (Taxi) and Private Hire Licensing Policy
Report of:	Bhavdip Nakum, Licensing and Systems Officer
Corporate Lead:	Richard Kirk, Interim Environmental Services and Housing Group Manager
Lead Member:	Councillor J R Mason
Number of Appendices:	Two

Executive Summary:

To inform the Licensing Committee about the consultation on the review of Hackney Carriage (Taxi) and Private Hire Licensing Policy and to ask the Committee to recommend the draft policy for adoption by Council.

Recommendation:

To RECOMMEND TO COUNCIL that the draft policy be ADOPTED.

Reasons for Recommendation:

To ensure that the Council's policy is robust in providing a safe service to the residents and visitors of the Borough and to provide clarity to applicants, existing licence holders and members of the public.

Resource Implications:

Total cost will be met from existing resources.

Legal Implications:

The Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976 provide the authority for the Council to licence hackney carriage drivers and vehicles and private hire drivers, vehicles and operators.

Risk Management Implications:

If the council does not fulfil its duties under the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976 and does not follow the best practice suggested by the Courts and the Department for Transport when licensing drivers, vehicles and operators, it may be liable to legal challenges.

Performance Management Follow-up:

If the Committee recommends a redraft, a special Licensing Committee meeting will be held to approve the policy statement for consultation or recommend further amendments.

Environmental Implications:

None.

1.0 INTRODUCTION AND BACKGROUND

1.1 On 11 February 2016, the Licensing Committee resolved to recommend the policy draft (**Appendix A**) for 6 weeks consultation.

2.0 CONSULTATION

2.1 The consultation began on 18 March 2016 and comments could be submitted until 30 April 2016.

2.2 The consultation was published on the Council's website and letters were sent to all current licence holders inviting them to take part in the consultation.

2.3 Five responses were received during the consultation. All responses are from members of the taxi and private hire trade in the Borough. These responses can be seen at Appendix B.

3.0 RELEVANT COUNCIL POLICIES/STRATEGIES

3.1 Environmental Health Enforcement Policy.

4.0 RELEVANT GOVERNMENT POLICIES

4.1 The Department for Transport has produced best practice guidance to local authorities to assist them in the licensing of taxi and private hire vehicles.

5.0 RESOURCE IMPLICATIONS (HUMAN/PROPERTY)

5.1 Met from existing resources.

6.0 SUSTAINABILITY IMPLICATIONS (SOCIAL/COMMUNITY SAFETY/CULTURAL/ECONOMIC/ ENVIRONMENT)

6.1 An effective Taxi and Private Hire policy can help promote community safety and increase public confidence.

7.0 IMPACT UPON (VALUE FOR MONEY/EQUALITIES/E-GOVERNMENT/HUMAN RIGHTS/HEALTH AND SAFETY)

7.1 None.

8.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

8.1 Licensing Committee decision on 11 February 2016.

Background Papers: Private Hire Vehicle Licensing: Guidance Note, Guidance to Local Authorities and Operators on Provisions in the Equality Act in respect of Taxis, Taxi and Private Hire Vehicle Licensing: Best Practice Guidance, Road Safety Act 2006: Private Hire Vehicles - Guidance Note.

Councillors' Handbook on Taxi and Private Hire Licensing.

Contact Officer: Bhavdip Nakum, Licensing and Systems Officer

Tel: 01684 272044 Email: bhavdip.nakum@teWKesbury.gov.uk

Appendices: Appendix A: Draft Policy.

Appendix B: Consultation Responses.



Tewkesbury Borough Council

(DRAFT)

HACKNEY CARRIAGE (TAXI) AND PRIVATE HIRE POLICY

2016 - 2019

**Tewkesbury Borough Council, Council Offices
Gloucester Road, Tewkesbury, Gloucestershire, GL20 5TT**

www.tewkesbury.gov.uk/licensing

Revised with effect from

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1. Overview

1. 1 Local area profile

Tewkesbury Borough Council has the responsibility to regulate hackney carriage and private hire trade under the provisions of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. We are responsible for licensing hackney carriage and private hire vehicles, drivers and operators. This policy outlines how we will discharge the regulatory functions for hackney carriage and private hire licensing within the borough.

Tewkesbury Borough covers an area of 160 square miles in north Gloucestershire with a population of approximately 86,000 people. The borough is situated within the Severn vale and stretches south beyond the outskirts of Cheltenham and Gloucester with borders alongside the county of Worcestershire to the north. It occupies the northern gateway into the south west region.

The borough is predominantly rural in nature with the largest towns / villages being Tewkesbury, Winchcombe, Bishop’s Cleeve and Churchdown.



1.2 Purpose and Objectives

- a) **to confirm to members** of the licensing committee the boundaries and powers of the council and the parameters within which to make decisions
- b) **to inform applicants** of the parameters within which the council will make licensing decisions and therefore how licensed operators, drivers and vehicles can operate within the area of the council.
- c) **to inform local residents and businesses** of the parameters within which the council will make licensing decisions and therefore how their needs will be addressed
- d) **to support a case in a court of law** where the council has to show how it arrived at its licensing decisions.

In setting out this policy, we seek to promote the following objectives:

- a) the protection of public health and safety
- b) the maintenance of a professional and respected hackney carriage and private hire trade
- c) access to an efficient and effective transport service
- d) the protection of the environment.

The aim of the licensing process, in this context, is primarily to protect the public as well as to ensure that the public have reasonable access to these services, because of the part they play in local transport provision. It is important that the council's hackney carriage and private hire licensing powers are used to ensure that licensed vehicles in the borough are safe, comfortable, properly insured and available where and when required.

We will have regard to this policy document and the objectives set out above when exercising our discretion in carrying out their regulatory functions. Notwithstanding the existence of this policy, each application or enforcement measure will be considered on its own merits in accordance with the enforcement policy. Where it is necessary to depart substantially from this policy, clear and compelling reasons will be given for doing so.

The policy provides guidance for applicants, drivers and operators to assist them with the application processes and operation of their businesses. This guidance, application forms and current fees are also available on the council's website. In order to ensure that the most up to date version is used, applicants, drivers and operators should not store these forms on their own system but should download the latest version of a form when it is required.

1.3 Role of hackney carriages and private hire vehicles

Hackney carriage and private hire vehicles have a specific role to play in an integrated transport system. They are able to provide demand responsive services in situations where public transport is either not available (for example in rural areas, or outside 'normal' hours of operation such as in the evenings or weekends), and/or for those with mobility difficulties.

1.4 Best practice guidance and legislation

The Department for Transport (DfT) has national responsibility for hackney carriage and private hire legislation in England and Wales. As a result of the then Office of Fair Trading producing a report on the UK hackney carriage and private hire trade, the DfT was asked to produce best practice guidance for local licensing authorities. The latest guidance was issued in March 2010. In addition, the Equality Act 2010 has implications for both hackney carriage and private hire operators in respect of disabled access to vehicles and further guidance and directions are expected on this matter.

The DfT guidance is directed at local authorities in England and Wales with responsibility for hackney carriage and private hire licensing who will "decide for themselves the extent to which they wish to make use of it or adapt it to suit their own purposes". The document recognises that licensing authorities may reach their own decisions both on overall policies and on individual licensing matters, in the light of their own circumstances. We have taken account of the DfT guidance and the Local Government Association's handbook for councillors on taxi and private hire licensing to shape this policy.

This policy also takes account of the legislative basis of the council's taxi licensing powers, contained in the Town Police Clauses Act 1847 and 1889, the Public Health Act 1875, the Local Government Act 1972 and the Local Government (Miscellaneous Provisions) Act 1976 as amended, which the council have adopted.

1.5 Costs and benefits of licensing policies

The DfT guidance stresses that licensing requirements which are unduly stringent are likely to unreasonably restrict the supply of hackney carriage and private hire services by increasing the cost of operation or by otherwise restricting entry to the trade. We recognise that too restrictive an approach may well work against the public interest and can have safety implications.

We will ensure that each of the various licensing requirements is properly justified by the risk it seeks to address. The financial or other cost of a particular requirement, in terms of its effect on the availability of transport to the public, should at least be matched by the benefit it will provide to the public.

The cost of administering the policy including the cost of enforcement where the law allows will be met from licensing fees. In adopting this policy, we will try to strike a balance between the financial interests of the trade, public safety and the delivery of other council plans and policies.

1.6 Safeguarding

Human Trafficking is a crime relating to moving a vulnerable person from one place to another against their will. Child Sexual Exploitation is the sexual abuse of young people under 18 and usually involves relationships where young people receive something (food, accommodation, drugs, alcohol, affection, gifts, money) as a result of performing sexual acts. Criminals often use licensed vehicles and drivers to move these vulnerable people. Licensed drivers are the eyes and ears of their communities through the work they do and the contacts they have.

Licence holders can operate in positions of trust and it is vital that any relevant information about safeguarding issues is shared so that individuals are blocked from becoming taxi operators or holding any other kind of licence in different council areas across the county/country. Without effective information sharing, there is a real risk of unsuitable people being granted licences to operate which puts people at risk. We will share relevant information with Police and other authorities to protect children and vulnerable adults.

Licensed drivers' and operators' ability to spot the signs of human trafficking and having the knowledge of how to report their concerns can be a major help in preventing this crime. One sign on its own may not be significant, but several signs together should give cause for concern.

If the drivers and operators think that a passenger;

- a) does not know their home or work address
- b) allows others to speak for them when addressed directly
- c) lives or travels in a group, sometimes with other persons who do not speak the same language or not similar age
- d) are collected very early and/or returned late at night on a regular basis
- e) may have poor clothing for the work they are doing, and/or a lack of safety equipment
- f) they may look thin, ill or depressed
- g) has no cash of their own
- h) be known to work at a brothel and be frequently moved from one site to another.

They should contact Gloucestershire Constabulary by calling 101 (or if an emergency 999) or Crimestoppers on 0800 555 111

1.7 Enforcement

The DfT guidance is clear on the necessity of enforcement to maintain high standards of public safety. All enforcement schemes need to be proportionate and transparent. While the ultimate authority is the court, the expectation is that enforcement will be carried out by officers overseen by the Licensing Committee and their associated sub-committees.

Our enforcement system will need to deal with persistent, low level breaches up to serious, possibly, criminal behaviour. There needs to be a grade of sanctions from informal advice and warnings through to suspension and revocation of licence. It is clear that the majority of enforcement will be for relatively minor offences or breaches and will be undertaken by the officers.

1.8 Tariff

We operate a council set hackney carriage tariff. The tariff is a maximum figure that hackney carriage drivers can charge based on a range of factors including time of day or night and special occasions such as bank holidays. The tariff does not apply to private hire vehicles or pre-booked journeys where the cost is agreed in advance. Drivers may charge any amount for a journey provided it does not exceed the fare on the meter. Hackney carriage vehicles must clearly display the tariff card within the vehicle.

2. Hackney Carriage and Private Hire Vehicles

2.1 Limitation of numbers

We will not set a limit on the number of licensed hackney carriages. No powers exist to limit the number of licensed private hire vehicles.

2.2 Specifications and conditions

We have adopted minimum standards that will be applied to all licensed vehicles. These are set out in Appendix A for hackney carriages and Appendix B for private hire vehicles.

We may impose such conditions that are reasonably necessary when granting hackney carriage or private hire vehicle licences. Licensed vehicles provide a service to the public therefore; we will only license vehicles suitable for this purpose. It is important to set criteria for the external and internal condition of the vehicle, provided that these are not unreasonably onerous, to maintain high standards within the trade.

We can licence vehicles for the carriage of up to eight passengers provided that there is compliance with the specifications and conditions. We will determine 'novelty vehicles' on a case by case basis.

We will not license purpose built hackney carriage vehicles as private hire as this can confuse members of the public. We will not licence any vehicle with a 'Q' plate registration as 'Q' plates are issued for vehicles which are either not originally registered in the UK and proof of age was unavailable at registration or for vehicles that have been built using a significant proportion of used parts.

2.3 Maximum age of vehicles

The DfT guidance states that it is possible for an older vehicle to be in good condition and that the setting of an age limit beyond which the licensing authorities will not license vehicles may be arbitrary and disproportionate. We will not apply age restrictions to vehicles meeting the required standards.

2.4 Vehicle testing

The DfT guidance recognises that an annual MOT test for licensed vehicles of whatever age is appropriate. More frequent tests are not recommended, except for older vehicles.

A vehicle will require an MOT test, from any certified testing station, before a licence is granted and the MOT must be valid for at least 11 months. Officers may inspect vehicles that have not previously been licensed before a licence is granted.

Hackney carriage and private hire vehicles will be tested once each year until six years old. Brand new registered vehicles that have less than 5000 miles will not have to undertake a vehicle test. If the vehicle is over six years old when a licence is issued it will be required to undertake two MOT tests each year falling at the start of the licence and six months into the licence.

Officers may request that work identified on the MOT test is undertaken before a licence is granted, or within a certain time frame of the licence being granted. If vehicles are found to be in breach of licence conditions, officers may require the proprietor to bring all licensed vehicles, or vehicles used by the operator or company, to the council for inspection.

2.5 Signage

Members of the public can often confuse private hire vehicles with hackney carriages, without realising that private hire vehicles are not available for immediate hire or allowed to be hailed in the street. It is therefore important that the public are able to easily distinguish each type of vehicle.

For this reason private hire vehicles must not display any roof signs and hackney carriage vehicles must display roof signs as specified elsewhere in the policy.

Both hackney carriages and private hire vehicles must display a licence plate on the outside rear of the vehicle. We may use different colours and different styles for hackney carriage and private hire vehicles.

The external licence plate shall be securely fixed to the outside and rear of the vehicle either by direct fixing, e.g. screw, bolt or rivet, or on a secure bracket. Temporary fixing such as magnets or Velcro® is not allowed.

2.6 Advertising on licensed vehicles

Advertising will be permitted on all licensed vehicles in accordance with the vehicle specifications and conditions. Complaints about unsuitable or offensive advertisements may be referred to the officers.

2.7 Plate exemption for private hire vehicles

Private hire vehicles which are used for contract work for at least 75 per cent of the time can be exempted from displaying a plate. The operator's records for these vehicles must prove that the required amount of contract work is being carried out. We will also require evidence as to why a plate exemption is required. Where an exemption is granted, the rear licence plate must be carried in the boot of the vehicle at all times. Vehicles given this exemption will normally be executive type cars. We will determine applications for exemption on a case by case basis. The plate exemption must be applied for on an annual basis on the anniversary of the renewal of the vehicle licence. Operators and drivers should not automatically assume that when licensing a new vehicle to replace an existing plate exempted vehicle or renewing an existing plate that the plate exemption will continue.

The licence fee payable for plate exemption is subject to annual review and will be published together with other council licensing fees.

2.8 Security and CCTV

There is no mandatory requirement for CCTV system in the licensed vehicles. Operators and drivers may install such equipment but its use must be clearly indicated by signs in the vehicle including contact details for the system manager/operator. All such equipment and images must be operated in accordance with the Data Protection Act 1998. It is the responsibility of the driver/operator to ensure compliance.

2.9 Environmental considerations

It is important that emissions from hackney carriages and private hire vehicles are reduced as far as possible. In the event that central government introduces measures to control emissions or local emission controls were to be required by an air quality action plan the council may review the policy on emission standards for licensed vehicles.

2.10 Stretched limousines and novelty vehicles

The number of stretched limousines being imported, particularly from the United States, has been increasing. They are generally used for private hire work and special occasions.

We are sometimes asked to license stretched limousines as private hire vehicles. We will assess licence applications for these vehicles in accordance with the 'novelty vehicles specifications' set out in Section 2 of the Appendix B.

Where a vehicle has been imported from another country, we may require DVSA approved certification prior to licensing approval. Due to the individual nature of stretched limousines or novelty vehicles, it will inevitably give rise to issues that would not apply to conventional private hire vehicles and therefore it will

be necessary to consider special conditions on any such licence. We will take into consideration the guidance issued by the DfT, 'Guidance for operators of stretched limousines'.

Stretched limousines or novelty vehicles may be granted a private hire vehicle licence provided that they are capable of carrying no more than eight passengers and meet the requirements of the Single Vehicle Approval (SVA) or Individual Vehicle Approval (IVA) certificate.

All applications to license stretched limousines or novelty vehicles as private hire vehicles will be judged on their merits. As these vehicles will not meet the usual vehicle specification, additional documentation and inspection will be needed in order to ensure safety and suitability.

2.11 Funeral and wedding vehicles

There is currently no requirement for a vehicle to be licensed where it is being used in connection with a funeral.

A vehicle does not need to be licensed to be used in connection with a wedding. However, if a licensed hackney carriage vehicle is used for a wedding the licence plate and roof sign must be displayed.

2.12 Livery

There is no requirement for licensed vehicles to be finished in a special livery or appearance. The visual distinction between hackney carriages and private hire vehicles can be achieved by the signage.

2.13 Transfers

A proprietor of a licensed hackney carriage or private hire vehicle may transfer their interest in the vehicle to another person. Under Section 49 of the Local Government (Miscellaneous Provisions) Act 1976, they must ensure that the licensing authority is notified of the new proprietor's name and address within 14 days.

Applications to transfer a licence must be made on the prescribed application form. The licence fee payable for a transfer is subject to annual review and will be published together with other council licensing fees.

2.14 Accidents

Drivers or operators must inform licensing officers when a hackney carriage or a private hire vehicle is involved in a road traffic accident. The accident must be reported regardless of however major or minor. Drivers or operators must report within three working days of the accident occurring and bring the vehicle for inspection if requested by officers. Officers may examine the extent of the damage and determine whether or not the vehicle must be repaired to allow it to continue as a licensed vehicle.

2.15 For hackney carriage vehicles

- a) **Hackney carriage roof signs and meters:** A roof sign must be displayed on the top of the vehicle showing the word 'Taxi'. The sign shall be controlled by the meter and shall be illuminated when the vehicle is available for hire. The design of the roof sign shall be approved by the licensing officers. Taxi meters may be tested for accuracy at the discretion of licensing officers.
- b) **Use of hackney carriage vehicles:** When an applicant wishes to licence a vehicle as a hackney carriage, we will need information, pursuant to section 57 of the Local Government (Miscellaneous Provisions) Act 1976, as to whether the applicant intends to use the vehicle to stand or ply for hire in the council's area and also if the applicant intends to use the vehicle entirely or predominantly remotely from the council's area on a pre-booked basis. Whilst each application will be considered on its own merits, we will have regard to the geographic location of an applicant's home and business address. If we have a reason to believe that the hackney carriage is to be used entirely or

predominantly remotely from the council's area on a pre-booked basis, then the application for a licence will normally be refused or existing licence may be suspended or revoked.

2.16 Grant and renewal of hackney carriage and private hire vehicle licences

Hackney carriage and private hire vehicle licences will be granted for a period of one year. We may issue licences for a shorter period where it may be necessary, we will issue shorter licences on case by case basis.

It is the proprietor's or operator's responsibility to ensure that vehicle tests are carried out in sufficient time and that insurance, vehicle registration documents and the annual fee are available for processing in time for the issue of a licence.

We will only accept complete applications comprising all the necessary documents and checks. Incomplete or missing documentation may result in the application being returned to the applicant. If an application is received late, the licence may expire before a new one can be issued. The vehicle will then be unlicensed and must not be used as a hackney carriage or private hire vehicle.

Applications for a hackney carriage or private hire vehicle licence must be made on the prescribed application form, including any electronic forms and in accordance with our application procedure. Relevant forms and documents are available on our website together with guidance to assist in the completion of the application.

The licence fees payable are subject to annual review and will be published together with other council licensing fees.

2.17 Change of details

The proprietor must notify licensing officers in writing of any change of address or telephone number during the period of the licence within seven days of the change taking place.

3. Hackney Carriage and Private Hire Drivers

3.1 Age and experience

We will not impose either a maximum or minimum age limit for drivers. Applicants must have held a DVLA licence for at least three years prior to applying for a licence to drive a hackney carriage or private hire vehicle.

3.2 Knowledge test and spoken English proficiency

Hackney carriage drivers need a good working knowledge of the area for which they are licensed. The law requires that members of the public are transported by the most direct and therefore cheapest route. Hackney carriages can be hired immediately, directly with the driver, at hackney carriage stands or hailed on the street. The DfT recognises that most licensing authorities require prospective hackney carriage drivers to pass a test of local topographical knowledge as a condition of gaining a licence.

In order to maintain the high standards expected of drivers, we will not issue a licence to drive a hackney carriage vehicle unless the applicant has passed a knowledge test of the area covering local geography.

Applicants are given their result as soon as possible and always within one week. If the applicant has passed the test, their application can proceed to the next stage. If they have failed the test they are given feedback and a re-sit is booked as soon as the applicant requires and there is a place available.

There is a fee to sit and re-sit the test and this is published separately together with the other council licensing fees. No applicant may sit the test more than five times in any 12 month period except in exceptional circumstances.

There has been an increase in the number of applications for hackney carriage and private hire drivers' licences from people whose first language is not English. Most communication between drivers and passengers is spoken so it is essential that all candidates have a reasonable standard of spoken English.

Licensing officers will decide spoken English proficiency and if a new applicant needs to undergo additional testing. New applicants for hackney carriage and private hire driver's licence must demonstrate a basic level of spoken English or they will be required to pass a prescribed independently administered English test prior to their application for a private hire or hackney carriage driver's licence being considered. Candidates will be responsible for all the costs associated with this additional testing.

3.3 Driving proficiency, qualifications and giving assistance

We have concluded that the standard DVLA driving test provides sufficient evidence of driving competency for the drivers of hackney carriage and private hire vehicles. There are nationally recognised vocational qualifications for the hackney carriage and private hire trades. These cover customer care, including how best to meet the needs of people with disabilities and there may be advantages in encouraging drivers to obtain one of these qualifications in the future. We encourage such training as this enhances the standing of the trade as one with recognised qualifications to demonstrate competence.

A driver who has accumulated nine or more points on their DVLA licence or who have complaints proven against them about the standard of their driving may be required to pass the Driving Standards Agency Taxi and Private Hire Drivers Assessment in order to remain licensed by the council.

3.4 Safeguarding training

The council has duty to protect those who are vulnerable. We are committed to safeguarding and promoting the welfare of children, young people and vulnerable adults and we expect the taxi and private hire trade to share this commitment.

All licensed drivers must demonstrate successful completion of a prescribed safeguarding training within six months of first being licensed or within 12 months of renewing their licence.

The fee for this training will be published separately together with the other council licensing fees.

If an applicant or existing licensed driver can show they have passed adequate similar training will be exempted from this requirement. Existing drivers who successfully completed the safeguarding training organised by the council are also exempt from this requirement.

Drivers who fail to comply with this requirement will have their licence suspended until they demonstrate that they have met this requirement.

3.5 DVLA driving record check

Before the grant or renewal of a driver's licence, the applicant will be required to submit to a DVLA check. Applicants can share their driving records by using an electronic self-service system. There is no fee for the self-service system. However, applicants will pay a fee if they do not wish to use the self-service system. We will require a mandate for release of information under the data subject access provisions of the Data Protection Act 1984, section 21 (1) and (2), from the DVLA for every application.

This check brings to light any driving offences committed that may not appear on the licence submitted and which should have been declared on the application form.

3.6 Medical examination

The DfT recognises that it is good practice for medical checks to be made on each driver as a condition for the initial grant of a licence and for each renewal. Adopting 'Group 2' medical standards as applied by

DVLA to the licensing of lorry and bus drivers and applying standards to hackney carriage and private hire drivers is considered to be best practice by DfT guidance.

A medical examination carried out by a GP at the surgery the applicant is registered at is required before the grant of a driver's licence in order to assess an applicant's fitness to drive a licensed vehicle. A DVLA Group 2 standard of medical fitness for professional drivers will be required.

A request form for a medical examination, which must be presented to a GP at the applicant's registered GP surgery, is obtainable from the licensing team. The applicant will be responsible for paying the fee for the examination to their GP surgery. On completion of the examination, a confidential report will be submitted to the council. The GP completing the medical examination will be required to certify that they have checked the applicant's personal medical records before completing the medical examination.

The DVLA Group 2 medical standard stipulates that over the age of 45 drivers will require a medical every five years. Drivers aged 65 and over, or those with relevant medical conditions, will require an annual examination. More frequent checks will be required if the medical practitioner thinks it is necessary. Holders of current PSV and/or HGV licences who can produce proof of a current medical examination, not more than one month old, will not need to undergo a further medical examination before licensing or re-licensing.

Licence holders must advise the licensing team, in writing, of any deterioration in their health that may affect their driving capabilities. If there is any doubt as to the medical fitness of the applicant, we may require the applicant to undergo a further medical examination by a medical practitioner appointed by us. In these circumstances we will pay for the medical examination. Where there remains any doubt about the fitness of any applicant, the applicant will be brought before the licensing sub-committee and they will review the medical evidence and make the final decision.

3.7 Disclosure and Barring

A criminal record check on a driver is an important safety measure. The DfT considers that such checks should be at the level of enhanced disclosure through the Disclosure and Barring Service as these disclosures include details of spent convictions and police cautions.

The Rehabilitation of Offenders Act 1974 and associated amendments sets out the period after which a conviction/caution/warning would be regarded as 'spent' and not normally require disclosure of that conviction. However, in 2002 the Rehabilitation of Offenders Act 1974 was amended so as to exclude hackney carriage and private hire drivers from the 1974 Act. This was because the driving of hackney carriages and private hire vehicles was listed as a 'Regulated Occupation' in relation to which questions may be asked as to the suitability of individuals to be granted a licence.

Applicants for such licences must therefore disclose all convictions, warnings, reprimands, criminal behaviour orders, cautions, community service orders, restraining orders, traffic offences and fixed penalty notices, including those that would previously have been regarded as spent under the 1974 Act.

An Enhanced Disclosure and Barring Service disclosure certificate will be required before a licence to drive a hackney carriage or private hire vehicle is granted and then every three years. We will accept portability of DBSs where it is done through an approved DBS body and the workforce category is the same as the workforce category for hackney carriage and private hire drivers. We will only accept DBS certificates issued within 28 days prior to the date we receive the DBS certificate.

Where the applicant is registered with the DBS Update service, we will accept the DBS certificate regardless of how long ago it was issued and we will carry out an electronic check in accordance with the DBS procedures. If the electronic check reveals that there is a change since the last DBS certificate was issued, we will require a new DBS certificate.

We may request another disclosure at any time if a further check is considered necessary. As a further safeguard a regime of random Enhanced DBS checks on drivers may be carried out. If a driver is given notice to undertake a random DBS check by the council they must do so within 28 days of the request.

There will be a condition on the licence to advise drivers that their hackney carriage or private hire driver's licence may be suspended or revoked if any relevant information is later found on the DBS disclosure.

We are bound by rules of confidentiality, and we will not divulge any information to third parties. The applicant for a DBS disclosure is sent a disclosure report to their home address; this must then be shown to the licensing team. We will manage information arising from disclosures in accordance with the DBS's codes of practice.

Licensed drivers must report all new convictions, warnings, reprimands, criminal behaviour orders, cautions, community service orders, restraining orders and fixed penalties (including traffic offences) in writing within seven working days.

Currently the DBS only has details of offences committed in England, Scotland, Wales, Northern Ireland, Jersey, Guernsey, the Isle of Man and Gibraltar, therefore if an applicant has lived in countries other than these an authenticated certificate of good conduct from the relevant embassy/ies will be required. If an applicant submits a certificate of good conduct in a language other than English, we may appoint a translator and the translation fee will be passed on to the applicant. The application will not be considered complete if this fee has not been paid. Most embassies produce the certificate in English.

3.8 Relevance of convictions and cautions

When assessing whether an applicant is a 'fit and proper person' to hold a licence, or whether an existing licence holder is still a 'fit and proper person' to continue to hold a licence, we will consider each case on its merits. It will take account of convictions, warnings, reprimands, criminal behaviour orders, cautions, community service orders, restraining orders, and fixed penalties (including traffic offences) whether spent or unspent, but only in so far as they are relevant to an application for a licence. The licensing officer will assess the information provided, in accordance with the licensing policy, and decide whether the applicant is a 'fit and proper person' to hold a licence or whether the existing licence holder is still a 'fit and proper person' to continue to hold a licence. Where the applicant meets the requirements of the policy and the licensing officer concludes that the applicant is a 'fit and proper person' the licensing officer has the delegated authority to approve the application.

Where the licensing officer cannot be satisfied that either the applicant or an existing licence holder is a fit and proper person the matter may be referred to the licensing sub-committee. Where it is necessary to immediately suspend or revoke in the interest of public safety, the licensing officer will recommend the Deputy Chief Executive to immediately suspend or revoke an existing licence under their delegated authority.

When dealing with convictions, warnings, reprimands, criminal behaviour orders, cautions, community service orders, restraining orders, and fixed penalties (including traffic offences), we will take into account:

- a) whether convictions are spent or unspent
- b) the nature of the offences
- c) the age of the offences
- d) whether the offences are relevant
- e) the number of offences.

Guidance about specific offences is given in Appendix E. In general terms, if the offence is recent and relevant to public safety, the council is;

- a) less likely to approve the application for a new licence, and
- b) more likely to revoke an existing licence.

Applicants can appeal to their local magistrate's court against a refusal to grant or decision to suspend or revoke the licence.

Applicants or existing licence holders may be referred to the licensing sub-committee where the applicant/existing licence holder's record includes one or more of the following:

- a) any term of imprisonment or custody
- b) any conviction for a violent or sexual offence, or dishonesty which is of a serious nature
- c) any serious motoring offence, such as dangerous driving, driving whilst disqualified, or drink driving
- d) nine or more points on their DVLA Driving Licence.

3.9 Proof of right to work in the UK

Employers are liable to a civil penalty of up to £20,000 per illegal worker if they knowingly employ someone who does not have the right to work in the UK.

Whilst not being the employer of hackney carriage or private hire drivers, it is necessary for licensing authorities to check on an applicant's right to work before granting a hackney carriage/private hire driver's licence. We agree that this is not only good practice but helps protect the income of those currently licensed who do have the right to work.

We will refer to the latest Government guidance when dealing with applicants and therefore all applicants will have to prove their right to work in the UK by supplying the relevant documentation as detailed in the guidance.

If an applicant is unable to provide satisfactory proof of their right to work in the UK, there will be no option other than to refuse to grant or refuse to renew the licence, or if circumstances came to light during the duration of a licence, to revoke it. To issue the licence may be regarded as condoning the offence and assisting the applicant to gain employment to which they are not entitled.

All current licensed drivers if required will be asked to prove their right to work on renewal of their licence. The right to work will normally only need to be proved once. Applicants may only be licensed until their right to work will expire.

If after referring to the relevant Government guidance, licensing officers are still unsure about an applicant's right to work in the UK, they will discuss the applicant's documentation with the Home Office. If it transpires the applicant is illegally in the UK (due to illegally entering or overstaying for example) council officers will assist the UK Border Force, Immigration Office or police in their enquiries as necessary.

3.10 Behaviour and conduct of drivers

Adopting a Code of Good Conduct for hackney carriage and private hire drivers serves to promote the council's licensing objectives.

The standards expected of licensed drivers are set out in the Code of Good Conduct that is included within the conditions attached to the driver's licence and set out at Appendix A.

Failure to comply with any aspect of the Code of Good Conduct will not necessarily result in enforcement action. However, breach of the code is an indicator which licensing officers will use to help decide upon subsequent enforcement action. This may result in enforcement action by licensing officers or if necessary, by the licensing sub-committee. Repeated breaches following education or warnings may lead to more serious consequences including if necessary, refusal to renew, suspension or revocation of licences.

3.11 Fit and proper

'Fit and proper person' is not defined in any of the legislation but is key when determining a driver application or renewal. The following statement is commonly used as a guide to clarifying the meaning. 'Would you allow your son, daughter, mother, spouse or other person you care about get into this vehicle with this person alone?'

This statement was confirmed in discussion by Silber J. in the case of Leeds City Council v Hussain (2002) which surrounds the suspension of a driver;

‘... the purpose of the power of suspension is to protect the users of licensed vehicles and those who are driven by them and members of the public. Its purpose is to prevent licences being given to or used by those who are not suitable people taking into account their driving record, their driving experience, their sobriety, mental and physical fitness, honesty, and that they are people who would not take advantage of their employment to abuse or assault people’

Officers and the licensing sub-committee will bear the above statement in mind when determining applications, renewals and when making enforcement decisions. Other factors such as safeguarding matters will also be considered on a case by case basis.

3.12 Grant and renewal of licences

Licences to drive hackney carriage and private hire vehicles (driver’s licence) will generally be granted for three years. We may issue licences for a shorter period where it may be necessary, we will issue shorter licences on case by case basis.

To allow sufficient time for documents to be processed, applicants should ensure to submit their complete application, including the fee, at least eight weeks before expiry of a driver’s licence.

We will aim to send a reminder letter to drivers twelve weeks before the expiry of an existing licence. Drivers are reminded that we are not obliged to do this and the responsibility of ensuring licences and DBS disclosures do not expire remains with the licence holder. If a DBS disclosure has not been issued in time we may only renew a driver’s licence if the applicant has returned their application form for the DBS disclosure in the time specified on the renewal letter.

We may refuse to grant licences where the application is missing any of the necessary documentation. Incomplete or missing documentation may result in the application being returned to the applicant. If an application is received late, the licence may expire before a new one can be issued, therefore the driver will be unlicensed during which time it will be illegal for them to drive a licensed hackney carriage or private hire vehicle or to use an unlicensed vehicle for the carriage of passengers for hire and reward.

Applications for a hackney carriage/private hire driver’s licence must be made on the prescribed application form, including any electronic forms.

Once we have the complete application, we will consider it on its own merits taking into account the driver’s previous history of behaviour to determine if they meet the ‘fit and proper person’ criteria.

The licence fees payable is subject to annual review and will be published together with other council licensing fees.

3.13 Change of details

Drivers must notify us in writing within seven days of any change of address or telephone number during the period of the licence.

4. Private Hire Operators

4.1 Requirements and obligations

Any person who operates a private hire service (who is not a hackney carriage proprietor allowing hackney carriages to be used for private hire) must apply for a private hire operator’s licence. The objective in licensing private hire operators is the safety of the public. Best practice in respect of the

controls required over private hire operators is to ensure that the costs of any licensing requirements are commensurate with benefits that they seek to achieve.

A private hire vehicle must only be dispatched to a customer by a licensed private hire operator. Such a licence permits the operator to invite or accept bookings for a private hire vehicle. Private hire operators must ensure that every private hire vehicle that they operate is licensed by the same council who issued them with the operator's licence and that it is driven by a person who holds a private hire driver's licence issued by the same council.

Applicants must apply for an operator's licence using the prescribed form, including any electronic forms and submit the correct fee. All new private hire operators must undergo a Basic Disclosure (if the operator is also a licensed driver with the council the requirement for the DBS disclosure is waived as the driver will have been subject to an Enhanced Disclosure). We will then decide whether the applicant is a fit and proper person to hold such a licence. The applicant must prove that they are entitled to work within the UK. For details of the requirement and guidance please see paragraph 3.9

If an applicant is unable to provide satisfactory proof of their right to work in the UK, there will be no option other than to refuse to grant or refuse to renew the licence, or if circumstances came to light during the duration of a licence, to revoke it. To issue the licence may be regarded as condoning the offence.

4.2 Criminal record checks

Private hire operators are not exempt from the Rehabilitation of Offenders Act 1974. We will require a Basic Disclosure and Certificate of Good Conduct (if required) before a licence is granted and then every five years. Where the private hire operator is trading as a limited company we may also require the directors and company secretary to undertake a Basic Disclosure check.

We will consider each application on its own merits once the application form and supporting documents are complete.

4.3 Conditions

Private hire operators' licences are issued with conditions set out in Appendix B. We may impose additional conditions where necessary. If multiple vehicles are found to be in breach of licence conditions or there is a pattern of breaching the licensing requirements and conditions, officers may require the operator to bring all licensed vehicles to the council for inspection.

4.4 Record keeping

Section 56(2) and (3) of the Local Government (Miscellaneous Provisions) Act 1976 requires operators to record specific information. The information shall be kept in a suitable book or on a computer or any other similar device. If using a book the pages must be numbered consecutively and the operator shall enter or cause to be entered before commencement of each journey, the following particulars of every booking accepted:

- a) the time and date of the booking
- b) the name of the hirer
- c) the fare quoted
- d) how the booking was made, e.g. telephone or email and the time
- e) the time of the proposed pick up
- f) the point of pick up and drop off
- g) the registration or plate number of the vehicle allocated for the booking and the name of the driver.

Operators are legally required to keep records in respect of all bookings, vehicles and drivers, for a period of one year as set out in the private hire operator's conditions.

Operators who maintain computerised records will be required to give access to these records to licensing officers upon request in order that the licensing officers can carry out their enforcement duties. Operators will also be required to provide adequate instruction to licensing officers in order to enable them to interrogate the computerised records to gather the information they require to carry out their enforcement duties.

4.5 Insurance

Operators are required to provide evidence that public liability insurance to the value of £5 million has been taken out for premises that are open to the public (e.g. waiting rooms).

4.6 Address from which an operator may operate

The address used on the operator's application form must be the one where the invitation and acceptance of bookings take place. This will be the premises where the records referred to above are kept and at which they may be inspected by licensing officers. This will also be the address at which the vehicle(s) will normally be kept and be available for inspection.

We cannot grant a private hire operator's licence for an operator with an operating base that is outside the council's areas. It will be the responsibility of the operator to ensure that necessary planning consent exists for the operational address to be used for that purpose.

4.7 Sub-contracting

A private hire operator may sub-contract a booking to another licensed private hire operator in accordance with relevant legislation. A record of who the booking was sub-contracted to and when must be made in accordance with the licence conditions.

4.8 Grant and renewal of licences

Private hire operator's licences will be granted for a five year period. We may issue licences for a shorter period where it may be necessary. We will issue shorter licences on case by case basis.

Whilst we will aim to send a reminder letter to the current operator before their existing licence expires, operators are reminded that we are not obliged to do this and the responsibility for ensuring licences do not expire remains with the licence holder.

If a disclosure has not been issued in time, we will only renew an operator's licence if the applicant has returned their application form in the time specified on the renewal letter. However, we may place a condition on the licence that private hire operator's licence may be suspended or revoked if any relevant information is later found on the disclosure.

We may refuse to grant licences where the application is missing any of the necessary paperwork. Incomplete or missing documentation may result in the application being returned to the applicant. If an application is received late, the licence may expire before a new one can be issued, resulting in it being illegal to operate as no operator's licence would be in force.

Applications for operator's licences must be made on the prescribed application form, including any electronic forms. The licence fees payable are subject to annual review and will be published together with other council licensing fees.

4.9 Change of details

The operator must notify the council in writing within seven days of any change of address, (whether this is a home address or the operating address) or change of telephone number or any other details during the period of the licence.

APPENDIX A: Licence conditions and specifications for hackney carriage vehicles

Hackney carriage vehicle conditions

1. A hackney carriage proprietor is an owner or part owner of a vehicle, or where a vehicle is subject to a leasing contract, hire agreement or hire purchase, a proprietor is the person in possession of the vehicle under the agreement. In both cases the proprietor requires a hackney carriage proprietor's licence from the council, before they are legally entitled to use the vehicle for plying for hire.
2. Licences can be obtained by making an application to the council. Each applicant must submit an application in respect of every vehicle for which a licence is required. The following details specify the standard minimum requirements for vehicles licensed for public hire or reward by the council. They have been set down for the purposes of indicating to any prospective licence holder what will be acceptable, under delegated powers, to licensing officers and this should be borne in mind before a vehicle is purchased. Any vehicle presented for licensing which does not comply may only be accepted after consideration of the merits of the application by the licensing sub-committee. The applicant will, in these circumstances, be required to submit a persuasive and substantial case for departing from the normal policy.

Specification

3. The vehicle must meet the following specification:
 - a) the vehicle must be capable of carrying not fewer than four passengers and no more than eight.
 - b) each passenger seat shall be fitted with a seat belt. No seats may be side facing.
 - c) the seat provided for each passenger will have a minimum width of 16 inches (40.6 cm) measured across its narrowest part.
 - d) each passenger shall have direct access to a door without the need to remove or completely fold flat any other seating in order that passengers may access their seat easily and escape without delay in case of emergency. The council will consider vehicles that have seats that 'tilt' forward by a single operation. If this type of seat is fitted the driver must inform the passengers of the operation of the seats before a journey commences.
 - e) the vehicle will be right hand drive.
 - f) the vehicle will have four road wheels.
 - g) the vehicle will have an engine with a capacity of at least 990cc. including vehicles badged by the manufacturer as '1.0' models. Electric vehicles fitted with 'range extender' technology may be exempt from this restriction.
 - h) the vehicle in addition to the driver's door, will have three doors each of which must be fitted with an efficient handle, lock and window operation to allow access and egress for passengers.
 - i) the vehicle must have a boot or luggage compartment which provides sufficient space to carry a reasonable amount of luggage for the total capacity of the vehicle.
 - j) estate cars must have a guard/cover fitted to prevent luggage entering the passenger compartment.
 - k) no alteration to the manufactures specification for the vehicle, including a change of or additional fuel type, shall be carried out except with the prior written approval of the council.
 - l) the front windscreen, front and rear windows must have a visible light transmission (VLT) of not less than 75 per cent so that the passengers can be seen from the outside of the vehicle. Only vehicle manufacture tints are permitted on the vehicle.

Equipment

4. The vehicle must carry the following equipment:
 - a) an in-date suitable and efficient fire extinguisher (1.0 kg dry powder or larger foam fire extinguisher) to meet BS EN 3 1996 (BS 5423), maintained at all times. It shall be securely

fixed in the vehicle and be readily visible and available for immediate use in an emergency. Each driver of a vehicle must familiarise themselves with the use of the fire extinguisher contained in the vehicle.

- b) a spare wheel suitable for immediate use and properly maintained; if the spare wheel is of the temporary space saver type, it may only be used to complete the particular journey or hiring the vehicle is engaged on when the wheel change is necessary and vehicles that have modern technology may be exempt from this condition at the discretion of the council.
- c) a jack and tools for changing the wheels
- d) a spare auto lamp kit applicable to the vehicle and the taxi sign
- e) a warning triangle
- f) a torch
- g) an in-date first aid kit.

Condition of vehicle

- 5. Drivers shall carry out a visual inspection of the vehicle at the beginning of the day before they start working. The interior and exterior of the vehicle shall be maintained in a clean and proper manner to the satisfaction of the council and in particular the exterior of the vehicle shall be free of large dents, rust or un-repaired accident damage and shall at all times have uniform paintwork equivalent to that applied by the manufacturer. The interior shall be free of stains, spills, tears and the seats must function in accordance with the original manufacturer's specification. The vehicle will comply with all relevant statutory requirements applicable to the class of vehicle to which it belongs including, but without prejudice to the Motor Vehicle (Construction and Use) Regulations.

Insurance and other documentation

- 6. The proprietor shall not use the vehicle, nor permit it to be used, as a hackney carriage vehicle if it does not have a policy of insurance, or such security as complies with the requirements of Part VI of the Road Traffic Act 1988, covering the use of the vehicle to carry passengers for hire or reward/public hire. The proprietor must produce when requested a valid certificate of insurance. On renewal of the insurance a copy of the new certificate must be provided to the council. The council will only accept insurance from UK insurance bodies that are registered with the Motor Insurance Bureau.
- 7. The proprietor must produce when requested the vehicle registration document, evidence that the vehicle has a valid MOT certificate and evidence that the vehicle has a valid vehicle excise licence.

Licence plates

- 8. The external licence plate supplied by the council shall be securely fixed to the outside rear of the vehicle either by direct fixing, e.g. screw, bolt or rivet or on a secure bracket. The penalty for failing to display a licence plate is a fine not exceeding Level 3 on the Standard Scale. The licence plate remains the property of the council at all times. If required to do so at any time the licence holder must return the plate to the council within seven days.

Roof sign and advertisement requirements

- 9. There is no exception to the roof sign unless the vehicle is a London style cab or other similar vehicle which has a built in taxi roof sign.
- 10. Advertisements are permitted on the interior of purpose built hackney carriages on the underside of the tip up seats and across the bulkhead above the dividing glass partition only. The permitted sizes are as follows:
 - a) bulkhead 60cm x 8cm
 - b) tip up seat 33cm x 30.5cm.

11. No advertisement may be placed on the dividing glass partition other than notices approved by the council.
12. Advertisements are not permitted on the interior of non-purpose built hackney carriage vehicles, without prior written permission from the council.
13. Advertisements are permitted on the exterior of hackney carriages.
14. Proprietors may display a full livery and/or vehicle 'body-wrap'.
15. Operators are also permitted to display the following on the vehicle:
 - a) a sign indicating membership of the AA, RAC or other similar motoring organisation
 - b) a first aid kit sticker
 - c) any other material supplied by government or a government organisation or corporation with the permission of the council.

Audio, video or surveillance systems

16. No audio, video or recording systems shall be installed or operated in the vehicle without prior written notification being supplied to the council.

Smoking

17. No smoking is permitted in the vehicle by either the driver or passengers. The vehicle must comply with The Smoke-free (Exemptions and Vehicles) Regulations 2007 (S.I. 2007/765).

Meters/fare card

18. All hackney carriage vehicles shall be fitted with a taximeter compliant with the Measuring Instruments (Taximeters) Regulations 2006 (S.I. 2006/2304). The taximeter shall be maintained in a sound working condition at all times. The taximeter shall be set for the current maximum tariff agreed by the council (or can be set at a lower tariff) and shall be sealed by the approved testing stations to prevent unauthorised adjustment of that meter. Hackney carriage proprietors and drivers shall ensure the 'For Hire' sign or other illuminated sign is extinguished when the fare commences and the taximeter is brought into operation.
19. The taximeter must:
 - a) be of the clock calendar type and change according to the wording of the council's agreed current maximum fare tariff or a lower tariff set by the operator
 - b) not be altered or tampered with except with the approval of the council and must be retested by one of the council's approved testing stations if it is altered. All openings shall be sealed with a 'tamper evident' seal supplied by the council.
 - c) show the fare recorded on the taxi meter in plainly legible figures and the word 'FARE' shall be clearly displayed so as to apply to such figures
 - d) be kept securely fixed in such a position so that the fare recorded is visible to all passengers within the vehicle at all times and the figures shall be illuminated for this purpose whenever necessary.
20. A fare card must be fixed in such a position so that the fare to be charged is visible to all passengers within the vehicle at all times, and the figures shall be illuminated for this purpose. The fare card shall clearly display the vehicles licence number.

Wheelchair access

21. If the vehicle is designed or adapted to carry a wheelchair, the proprietor of the vehicle must ensure that the driver has received sufficient training to load and convey wheelchair bound passengers.
22. Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I 1998/2307). Any such equipment must be maintained in good working order and be available for use at all times.

Trailers

23. Trailers may only be used with the prior written approval of the council. The trailer can only be used in connection with pre booked bookings and cannot be used for plying for hire on a rank or the street.
 - a) the trailer must at all times comply with all requirements of Road Traffic legislation in particular those as laid down in the Road Vehicles (Construction and Use) Regulations 1986 (S.I. 1986/1078)
 - b) the vehicle insurance must include cover for towing a trailer
 - c) a suitable lid or other approved means of enclosure shall be fitted to secure and cover the contents of the trailer whenever in use.

Lost property

24. The proprietor or driver of a hackney carriage must hand in any found lost property to the nearest police station within 48 hours.

Convictions/ change in particulars of proprietor

25. The proprietor shall give notice in writing to the council within seven days of any conviction, warnings, reprimands, cautions, community service orders, restraining orders, and fixed penalties (including traffic offences) or change of their registered particulars, e.g. address or change of name.

APPENDIX B: Licence conditions and specifications for private hire vehicles and operators

SECTION 1

General

1. A private hire vehicle proprietor is an owner or part-owner of a vehicle, or where a vehicle is subject to a hire agreement or hire purchase, the person in possession of the vehicle under the agreement. A private hire vehicle proprietor must obtain a private hire vehicle licence from the council within whose area he or she wishes to trade for each vehicle used for private hire. The vehicle can only be operated under an operator's licence issued by the council.
2. Licences can be obtained by making an application to the council. Each applicant must submit an application in respect of every vehicle for which a licence is required. The following details specify the standard minimum requirements for vehicles licensed for private hire or reward by the council. They have been set down for the purposes of indicating to any prospective licence holder what will be acceptable, under delegated powers, by officers and this should be borne in mind before a vehicle is purchased. Any vehicle presented for licensing which does not comply may only be accepted after consideration of the merits of the application by a panel. The applicant will, in these circumstances, be required to submit a persuasive and substantial case for departing from the normal policy.

Specification

3. The vehicle must meet the following specification:
 - a) The vehicle must be capable of carrying not fewer than four passengers and no more than eight
 - b) Each passenger seat shall be fitted with a seat belt. No seats may be side facing.
 - c) The seat provided for each passenger will have a minimum width of 16 inches (40.6 cm) measured across its narrowest part
 - d) Each passenger shall have direct access to a door without the need to remove or completely fold flat any other seating in order that passengers may access their seat easily and escape without delay in case of emergency. The council will consider vehicles that have seats that tilt forward by a single operation. The driver must explain to the passengers the operation of the seats before a journey commences.
 - e) will be right hand drive
 - f) will have four road wheels
 - g) the vehicle will have an engine with a capacity of at least 990cc including vehicles badged by the manufacturer as '1.0' models. Electric vehicles fitted with 'range extender' technology may be exempt from this restriction.
 - h) will in addition to the driver's door, have three doors each of which must be fitted with an efficient handle, lock and window operation to allow access and egress for passengers
 - i) the vehicle must have a boot or luggage compartment which provides sufficient space to carry a reasonable amount of luggage for the total capacity of the vehicle.
 - j) estate cars must have a guard/cover fitted to prevent luggage entering the passenger compartment
 - k) no alteration to the manufacturer's specification for the vehicle, including a change of or additional fuel type, shall be carried out except with the prior written approval of the council
 - l) the front windscreen, front and rear windows must have a visible light transmission (VLT) of not less than 75 per cent so that the passengers can be seen from the outside of the vehicle. Only vehicle manufacture tints are permitted on the vehicle
 - m) a private hire vehicle must not be of such design or appearance as to lead any person to believe it is a hackney carriage.

Equipment

4. The vehicle must carry the following equipment:

- a) An in-date suitable and efficient fire extinguisher (1.0 kg dry powder or larger foam fire extinguisher) to meet BS EN 3 1996 (BS 5423), maintained at all times when the vehicle is licensed shall be securely fixed in the vehicle and be readily visible and available for immediate use in an emergency. Each driver of a vehicle must familiarise themselves with the use of the fire extinguisher contained in the vehicle
- b) A spare wheel suitable for immediate use and properly maintained; if the spare wheel is of the temporary space saver type, it may only be used to complete the particular journey or hiring the vehicle is engaged on when the wheel change is necessary and vehicles that have modern technology may be exempt from this condition at the discretion of the council
- c) a jack and tools for changing the wheels
- d) a spare auto bulb kit applicable to the vehicle
- e) a warning triangle
- f) a torch
- g) an in-date first aid kit.

Condition of the vehicle

- 5. Drivers shall carry out a visual inspection of the vehicle at the beginning of the day before they start working. The interior and exterior of the vehicle shall be maintained in a clean and proper manner to the satisfaction of the council and in particular the exterior of the vehicle shall be free of large dents, rust or un-repaired accident damage and shall at all times have uniform paintwork equivalent to that applied by the manufacturer. The interior shall be free of stains, spills, tears and the seats must function in accordance with the original manufacturer's specification. The vehicle will comply with all relevant statutory requirements applicable to the class of vehicle to which it belongs including, but without prejudice to the generality of the Motor Vehicle (Construction and Use) Regulations which currently apply.

Insurance and other documentation

- 6. The proprietor shall not use the vehicle, nor permit it to be used, as a private hire vehicle if it does not have a policy of insurance, or such security as complies with the requirements of Part VI of the Road Traffic Act 1988, covering the use of the vehicle to carry passengers for private hire. The proprietor must produce when requested a valid certificate of insurance. On renewal of the insurance a copy of the new certificate must be provided to the council. The council will only accept insurance from UK insurance bodies that are registered with the Motor Insurance Bureau.
- 7. The proprietor must produce when requested the vehicle registration document, evidence that the vehicle has a valid MOT certificate and evidence that the vehicle has a valid vehicle excise licence.

Licence plates

- 8. The external licence plate supplied by the council shall be securely fixed to the outside and rear of the vehicle either by direct fixing, e.g. screw, bolt or rivet, or on a secure bracket. The licence plate remains the property of the council at all times. If required to do so at any time the licence holder must return the plate to the council within seven days. The penalty for failing to comply with this request is a fine not exceeding Level 3 on the Standard Scale. An exemption for private hire vehicles from displaying the plate may be given at the discretion of the licensing officer in accordance with the policy on plate exemption.

Private hire signs and advertising

- 9. Private hire vehicles may display advertising provided it does not use the words 'Taxi' or 'Cab' that may indicate the vehicle is a hackney carriage. Private hire vehicles may also display:
 - a) a sign indicating membership of the AA, RAC or other similar motoring organisation
 - b) a sign which requires passengers not to smoke

- c) a first aid kit sticker
- d) any other material supplied by government or a government organisation or corporation with the permission of the council.

Audio/video or surveillance systems

10. No audio/video or recording systems shall be installed or operated in the vehicle without prior written notification being supplied to the council.

Smoking

11. No smoking is permitted in the vehicle by either the driver or its passengers. The vehicle must comply with The Smoke-free (Exemptions and Vehicles) Regulations 2007 (S.I. 2007/765).

Wheelchair access

12. If the vehicle is designed or adapted to carry a wheelchair, the proprietor of the vehicle must ensure that the driver has received sufficient training to load and convey wheelchair bound passengers.
13. Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I. 1998/2307). Any such equipment must be maintained in good working order and be available for use at all times.

Trailers

14. Trailers may only be used with the prior written approval of the council and subject to the following requirements:
- a) trailers can only be used in connection with private hire bookings
 - b) the trailer must at all times comply with all requirements of Road Traffic legislation in particular those laid down in the Road Vehicles (Construction and Use) Regulations 1986 (S.I. 1986/1078).
 - c) the vehicle insurance must include cover for towing a trailer
 - d) a suitable lid or other approved means of enclosure shall be fitted to secure and cover the contents of the trailer whenever in use.

Plate exemption

15. Vehicles which are used for contract work for at least 75 per cent of the time may be exempted from displaying a plate. The operator's records for these vehicles must prove that the required amount of contract work is being carried out and the council will require evidence as to why plate exemption is required. Such vehicles must display front and rear windscreen badges, which will be provided by the council. These badges will show the details of the vehicle as they appear on the plate. The licence plate will be provided and must be carried in the boot of the vehicle at all times. Vehicles given this exemption will normally be executive type cars. The council will determine applications for exemption on a case by case basis. The plate exemption must be applied for on an annual basis on the anniversary of the renewal of the vehicle licence. Operators/drivers should not automatically assume that when licensing a new vehicle to replace an existing plate exempted vehicle or renewing an existing plate that the plate exemption will continue.

Lost property

16. The proprietor or driver of a private hire vehicle must hand in any found lost property to the nearest police station within 48 hours.

Convictions/change in particulars of proprietor

17. The proprietor shall give notice in writing to the council within seven working days of any convictions, warnings, reprimands, cautions, community service orders, restraining orders and fixed penalties (including traffic offences) or change of their registered particulars, e.g. address or change of name.

SECTION 2

Novelty vehicles

1. For the purpose of this policy, a novelty vehicle shall mean a vehicle that is used for a particular occasion or occasions of a restricted nature, e.g. transport to parties or an 'executive vehicle' and is not a conventional vehicle used for standard private hire work. Examples of vehicles that may fall within the 'special event' category are stretch limousines, classic cars, fire engines (recreational), executive vehicles or a vehicle that has fewer than four seats.
2. This element of the policy does not apply in relation to vehicles used solely in connection with weddings and funerals, as these are exempt from private hire licensing.
3. The general licence conditions for private hire vehicles will not normally allow for novelty vehicles to be licensed for a number of reasons including the style and design of the vehicle.
4. Any novelty vehicle that has not been type approved, which does not meet the requirements of the Construction and Use Regulations or which otherwise would not meet the standard private hire vehicle conditions, the proprietor may apply to be licensed by seeking variation or exemption from some of the standard conditions.
5. Each vehicle will be considered and assessed on merit taking account of:
 - a) the overall condition of the vehicle
 - b) the number of passengers for which it is required to be licensed
 - c) the specific criteria for which exemption is sought.
6. The primary consideration will always be the safety and comfort of the travelling public.
7. This policy sets out the general considerations the council will take into account when considering an application for the licensing of a novelty vehicle.

Specification for novelty vehicles

8. Vehicles may be right or left hand drive provided that left hand drive vehicles have vehicle type approval from the Vehicle Certification Agency, Department for Transport, of which the council requires proof.
 - a) the vehicle must not have fewer than four road wheels
 - b) the number of doors must be sufficient to allow safe access and egress for the number of passengers for which approval is sought
 - c) the vehicle must comply with Construction and Use Regulations.
9. Vehicles must carry:
 - a) a fire extinguisher of a minimum of 1Kg power type and BS EN3 compliant, serviced in accordance with BS 5306, and a service record kept for inspection by an authorised officer of the council. The extinguisher must be securely affixed in the vehicle and ready for immediate use.
 - b) a first aid kit.
 - c) a spare wheel suitable for immediate use.
 - d) a jack and tools for changing the wheels.

- e) the screen sticker, if supplied by the council, must be displayed in the lower nearside corner of the rear windscreen.
 - f) spare light bulbs.
 - g) no audio, video or recording systems shall be installed or operated in the vehicle without prior written notification being supplied to the council.
10. Any vehicle that has been constructed or adapted to seat more than eight passengers cannot be licensed as a private hire vehicle.
 11. The interior and exterior of the vehicle shall be maintained in a clean and proper manner to the satisfaction of the council. In particular, the exterior of the vehicle shall be free of large dents, rust or un-repaired accident damage and shall at all times have uniform paintwork equivalent to that applied by the manufacturer. The interior shall be free of stains, spills and tears and the seats must function in accordance with the original manufacturer's specification.
 12. No age limit will be set for novelty vehicles but they are required to be tested as per private hire vehicles.
 13. The individual nature of a novelty vehicle will inevitably give rise to issues that would not apply to conventional private hire vehicles and therefore it will be necessary to consider whether special conditions should be included on any licence.

SECTION 3

Licence conditions for private hire operators

1. The holder of a private hire operator's licence shall comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.
2. The records required to be kept by the operator under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a suitable book or on a computer or any other recordable device. If using a book the pages must be numbered consecutively and the operator shall enter or cause to be entered before commencement of each journey, the following particulars of every booking accepted:
 - a) the time and date of the booking
 - b) the name of the hirer
 - c) the fare quoted
 - d) how the booking was made, e.g. telephone or electronic and the time of booking
 - e) the time of the proposed pick up
 - f) the point of pick up and drop off
 - g) the registration or plate number of the vehicle allocated for the booking and the name of the driver.
3. If the operator uses a computerised booking system the council will require access to the system so that the council is able to establish that records are entered sequentially and that it is able to establish the date and time at which the record was created.
4. The operator shall also keep records of the particulars of all private hire vehicles, which shall include details of the owner, registration numbers and drivers of such vehicles, together with any radio call signals used. All records kept by the operator shall be kept for a period of not less than 12 months following the date of the last entry and shall be made available, upon request to an authorised officer of the council, police officer or any other relevant enforcement agency.
5. Operators will also be required to provide adequate instruction to officers in order to enable them to interrogate the computerised records to gather the information they require to carry out their enforcement duties.

APPENDIX C: Licence conditions and code of conduct for hackney carriage and private hire drivers

1. All drivers are required to be familiar with all parts of the council's policy and comply with the requirements of the policy and the conditions that form a part of their licence.
2. Any hackney carriage/private hire driver's badge that is supplied by the council will cease to be valid on the expiry of the licence or upon suspension, surrender or revocation of the licence. Any badge supplied remains the property of the council and must be returned to the council if suspended, revoked or expired. If demanded the licence holder must return their licence and badge to the council. The penalty for failing to comply with this request is a fine not exceeding Level 1 on the Standard Scale.
3. Whilst in control of a hackney carriage or private hire vehicle, the driver shall, if required to do so by any person, give his or her name and badge number and also the name and address of the owner/proprietor and the identification marks of the vehicle.
4. The driver shall give notice in writing to the council within seven working days of any convictions, warnings, reprimands, criminal behaviour orders, cautions, community service orders, restraining orders and fixed penalties (including traffic offences) or change of their registered particulars, e.g. address or change of name.
5. If a driver is given notice to undertake a random DBS check by the council they must do so within 28 days of the request.
6. The driver 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. Drivers must ensure their appearance is smart and professional when working.
7. Any driver of a hackney carriage/ private hire vehicle acting in a disorderly, abusive, aggressive, or violent manner towards any member of the public, other driver or officer of the council may be deemed not to be a 'fit and proper person' to hold a licence.
8. Vehicle proprietors and drivers shall ensure that licensed vehicles do not cause an obstruction or nuisance to local residents when parked or collecting passengers.
9. To avoid nuisance to residents when picking up or waiting for a fare, a driver shall:-
 - a) not sound the vehicle's horn unless in case of emergency
 - b) keep the volume of audio and communications equipment to a reasonable level
 - c) switch off the engine if required to wait
 - d) take all reasonable additional action as is necessary to avoid disturbance to residents in the neighbourhood.
10. Every driver shall at all times when in charge of a licensed vehicle wear their driver's badge supplied by the council and the badge should be clearly visible.
11. Under Equalities Act 2010 Section 168 (Assistance Dogs), drivers will be required to carry an assistance dog accompanying a disabled person without any additional charge unless the driver has a medical exemption certificate that allows him/her not to carry dogs for medical reasons.
12. A driver shall give notice in writing to the council within seven working days of any change in medical condition. If required by the council a new medical may be required to determine if the driver is a 'fit and proper person'.
13. At hackney carriage ranks drivers shall;

- a) queue in an orderly manner and proceed along the rank in order and promptly
- b) if approached by a potential customer, direct them to the hackney carriage at the front of the rank unless the passengers specifically ask for a particular driver or company
- c) assist in improving air quality by switching off vehicle engines when parked, unless there are reasonable safety or comfort grounds for not doing so, for example keeping warm in very low temperatures.
- d) remain in or within 10 metres of the vehicle.
- e) not park on the rank when not working.

14. Every driver of a licensed vehicle when requested by any person hiring or seeking to hire the vehicle shall:

- a) convey a reasonable quantity of luggage
- b) afford reasonable assistance in loading and unloading
- c) be polite, helpful and fair to passengers, particularly those whose mobility may be restricted.

Legislation

15. The holder of every hackney carriage and private hire vehicle and drivers licence shall comply with the provisions relating to hackney carriage and private hire drivers and vehicles contained in the following legislation:

- a) Town Police Clauses Act 1847
- b) Part II Local Government (Miscellaneous Provisions) Act 1976
- c) Road Traffic Act 1988 Part 11 (a) Construction and Use of Vehicles and Equipment
- d) Section 168 Equalities Act 2010 (Assistance Dogs).

16. Notwithstanding the relevant legislation, the council's conditions, the council's hackney carriage and private hire driver, vehicle and operator policy and the council's byelaws, drivers, proprietors and operators should be aware of the following criminal offences:

- a) failure to give assistance to wheelchair users or failure to carry them safely
- b) charging an additional fee/fare for carrying a passenger needing assistance or for carrying an assistance dog
- c) refusal to carry an assistance dog without a medical exemption
- d) driving whilst using a hand held mobile telephone or device
- e) smoking in a hackney carriage or private hire vehicle
- f) driving whilst under the influence of alcohol, illegal or prescription drugs. Any amount of alcohol or illegal drug can affect a driver's capability to drive safely.
- g) exceeding the safe permitted number of working hours
- h) claiming benefits for which there is no entitlement
- i) and should always be aware of and obey traffic regulations and The Highway Code. This list is not exhaustive and the relevant enforcement agency (Police, local authority etc.) may take action as it sees fit. This may include prosecution.

APPENDIX D: Consideration of applications for the grant, renewal, suspension or revocation of licences

1. Upon receipt of a completed application form, the licensing officer will consider the application on its individual merits taking into account the person's previous history of behaviour to determine whether they meet the 'fit and proper person' criteria. Where the consideration is a review of an existing licence holder this will be to determine whether that person continues to meet the 'fit and proper person' criteria. Where the application is incomplete, it will not be considered until the missing details or documents are supplied and may be returned along with any fee provided.
2. Where having considered the application or review against the criteria of the council's policy the licensing officer considers that the person meets the criteria of a fit and proper person, the licensing officer has delegated powers to approve the application.
3. Successful applicants will be issued with a licence. Those who are granted a driver's licence will be issued with a badge, which will remain the property of the council and must be surrendered if the driver's licence is suspended or revoked. If a licence is suspended the driver must within seven days of that suspension return the badge to the council. If that suspension is subsequently lifted the badge will be returned to the driver within two working days.
4. Where having taken into account the applicant's history of behaviour including convictions, warnings, reprimands, criminal behaviour orders, cautions, community service orders, restraining orders and fixed penalties (including traffic offences) the licensing officer is not satisfied that the person meets the criteria of a 'fit and proper person' and should therefore not be granted a licence, the officer will make a recommendation to the licensing sub-committee.
6. The proceedings and terms of reference of the licensing sub-committee are set out on the council's website.

Suspension or revocation

7. Under Section 61 (1) of the Local Government (Miscellaneous Provisions) Act 1976 a district council may suspend, revoke or refuse to renew a Hackney Carriage / Private Hire driver's licence. This may be for the following reasons;
 - a) since the grant of the licence they have been convicted of an offence involving dishonesty, indecency or violence, or
 - b) any other reasonable cause.
9. Under this section the driver has 21 days to appeal against the decision to their local Magistrates Court and during the appeal period the licence holder can continue to drive Hackney Carriage / Private Hire vehicles.
10. Section 61 (2B) of the Local Government (Miscellaneous Provisions) Act 1976 enables a decision to suspend or revoke a Hackney Carriage / Private Hire drivers licence to take immediate effect should the council believe it to be necessary in the interests of public safety. This means the driver cannot continue to drive Hackney Carriage / Private Hire vehicles during the appeal period.
11. The Licensing Committee delegated authority to the Deputy Chief Executive to immediately suspend or revoke a Hackney Carriage or Private Hire driver's licence where it is considered necessary in the interest of public safety.
12. A 'fast track' procedure will be adopted to re-licence those drivers who have had their licence revoked but have subsequently been found to be fit and proper. In these cases, the driver will supply the council with a new application form but there will be no subsequent application fee. All pre-check enquiries (DBS, medical, references etc.) would stand and the dates they were previously due to expire would be valid, as would the licence itself.

APPENDIX E: Relevance of convictions

1. All applicants for a hackney carriage/private hire driver's licence must complete an enhanced Disclosure and Barring Service (DBS) check prior to the granting of a licence.
2. On completing the council's licence application form all convictions, warnings, reprimands, criminal behaviour orders, cautions, community service orders, restraining orders and fixed penalties (including traffic offences) and pending court cases or licensing hearings must be declared. Failure to disclose convictions, warnings, reprimands, criminal behaviour orders, cautions, community service orders, restraining orders and fixed penalties (including traffic offences) which are subsequently notified by the Disclosure and Barring Service or any pending court cases or licensing hearings will be considered to be an act of dishonesty and may result in the application being refused or the licence revoked. Applicants should note that any reference in this appendix to conviction also includes all convictions, warnings, reprimands, criminal behaviour orders, cautions, community service orders, restraining orders and fixed penalties (including traffic offences).
3. All past convictions, warnings, reprimands, criminal behaviour orders, cautions, community service orders, restraining orders and fixed penalties (including traffic offences) will be considered in accordance with Home Office guidelines. The Rehabilitation of Offenders Act 1974 as amended by the Legal Aid, Sentencing and Punishment Act 2012 sets out the period after which all convictions, warnings, reprimands, criminal behaviour orders, cautions, community service orders, restraining orders and fixed penalties (including traffic offences) are regarded as 'spent' and which would not normally necessitate disclosure. In 2002 the Rehabilitation of Offenders Act was amended so as to exclude hackney carriage and private hire drivers from the effects of the 1974 Act. Applicants for such licences are now required to disclose all convictions, warnings, reprimands, criminal behaviour orders, cautions, community service orders, restraining orders and fixed penalties (including traffic offences) including those that would previously have been regarded as spent under the Act. The council will use the Rehabilitation of Offenders Act 1974 as guidance but in every case the individual facts will be considered in accordance with the criteria set out in the policy.
4. The overriding consideration is the safety of the public. The council has a duty to ensure so far as possible that those licensed to drive hackney carriage and private hire vehicles are suitable persons to do so, that they are safe drivers with good driving records and adequate experience, sober, courteous, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse or assault passengers.
5. A person with a current conviction for a serious crime need not be permanently barred from obtaining a licence but should be expected to (a) remain free of conviction for an appropriate period and (b) show adequate evidence of good character from the time of the conviction. Simply remaining free of conviction will not generally be regarded as sufficient evidence of good character.
6. Some discretion may be applied if the offence is isolated and there are mitigating circumstances. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour which will be taken into account.

The Rehabilitation of Offenders Act 1974

7. Rehabilitation of Offenders Act 1974 guidelines as amended by the Legal Aid, Sentencing and Punishment Act 2012 will be used by the council, but for repeat offenders or offences that are not stipulated under the Rehabilitation of Offenders Act 1974 the following guidelines will be used to determine if an applicant is a fit and proper person to hold a licence.

Minor traffic offences

8. Convictions for minor traffic offences should not prevent an applicant from gaining a licence or an existing licence holder from keeping their licence. However, the number, type and frequency of such

offences will be taken into account and if there are several offences of this nature the applicant will normally be expected to show a period free of conviction of at least six months. An application will normally be refused where an applicant has nine or more penalty points on his/her DVLA licence (whether or not the applicant was convicted by a court for the offences for which the points were imposed) or where the applicant has more than one conviction for this type of offence within the last six months. An existing licence holder may be suspended where the person has nine or more penalty points on his/her DVLA licence (whether or not the applicant was convicted by a court for the offences for which the points were imposed) or where the applicant has more than one conviction for this type of offence within the last six months. Where an application has been refused or an existing licence holder suspended because of this provision they may be required to pass the DVSA (Driver & Vehicle Standards Agency) Taxi and Private Hire Assessment before the licence is granted or the suspended licence reinstated.

These offences are;

MS10 Leaving a vehicle in a dangerous position
MS20 Unlawful pillion riding
MS30 Play street Offences
MS40 Driving with uncorrected defective eyesight or refusing to submit to a test
MS70 Driving with uncorrected defective eyesight
MS80 Refusing to submit to an eyesight test
MS90 Failure to give information as to identity of driver etc.

MW10 Contravention of Special Road Regulations (excluding speed limits)

PC10 Undefined contravention of Pedestrian Crossing Regulations
PC20 Contravention of Pedestrian Crossing Regulations with moving vehicle
PC30 Contravention of Pedestrian Crossing Regulations with stationary vehicle

TS10 Failing to comply with traffic light signals
TS20 Failing to comply with double white lines
TS30 Failing to comply with a 'Stop' sign
TS40 Failing to comply with direction of a constable or traffic warden
TS50 Failing to comply with traffic sign (excluding 'Stop' sign, traffic lights or double white lines)
TS60 Failing to comply with school crossing patrol sign
TS70 Undefined failure to comply with a traffic direction sign

Aiding, abetting, counselling or procuring
Offences as coded above, but with 0 changed to 2 (e.g. PC10 becomes PC12)

Causing or permitting
Offences as coded above, but with 0 changed to 4 (e.g. PC10 becomes PC14)

Inciting
Offences as coded above, but with 0 changed to 6 (e.g. PC16 becomes PC16)

This list is not exhaustive and codes may be changed or added during the duration of this policy. If an applicant or current licence holder has been disqualified or given points that are not listed here, they will still be taken into account.

Major traffic offences

9. Isolated convictions, without disqualification, for a major traffic offence should not prevent an applicant from gaining a licence or an existing licence holder from keeping their licence but will normally merit a warning as to future driving and advice on the standard expected of hackney carriage and private hire drivers. More than one conviction for this type of offence within the last two years would require the application or an existing licence holder to be referred to the licensing sub-

committee for a decision. No further application would normally be considered until a period of three years free from convictions has elapsed. Where an application has been refused or an existing licence holder suspended because of this provision they may be required to pass the DVSA Taxi and Private Hire Assessment before the licence is granted or the suspended licence reinstated.

These offences are;

- AC10 Failing to stop after an accident
- AC20 Failing to give particulars or to report an accident within 24 hours
- AC30 Undefined accident offences

- BA10 Driving while disqualified by order of court
- BA30 Attempting to drive while disqualified by order of court

- CD10 Driving without due care and attention
- CD20 Driving without reasonable consideration for other road users
- CD30 Driving without due care and attention or without reasonable consideration for other road users
- CD40 Causing death through careless driving when unfit through drink
- CD50 Causing death by careless driving when unfit through drugs
- CD60 Causing death by careless driving with alcohol level above the limit
- CD70 Causing death by careless driving then failing to supply a specimen for analysis
- CD80 Causing death by careless or inconsiderate driving
- CD90 Causing death by driving: unlicensed, disqualified or uninsured drivers

- DD40 Dangerous driving
- DD60 Manslaughter or culpable homicide while driving a vehicle
- DD80 Causing death by dangerous driving
- DD90 Furious driving

- DR10 Driving or attempting to drive with alcohol level above limit
- DR20 Driving or attempting to drive while unfit through drink
- DR30 Driving or attempting to drive then failing to supply a specimen for analysis
- DR40 In charge of a vehicle while alcohol level above limit
- DR50 In charge of a vehicle while unfit through drink
- DR60 Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive
- DR70 Failing to provide specimen for breath test
- DR80 Driving or attempting to drive when unfit through drugs
- DR90 In charge of a vehicle when unfit through drugs

- IN 10 Using a vehicle uninsured against third party risks

- LC20 Driving otherwise than in accordance with a licence
- LC30 Driving after making a false declaration about fitness when applying for a licence
- LC40 Driving a vehicle having failed to notify a disability
- LC50 Driving after a licence has been revoked or refused on medical grounds

- MS50 Motor racing on the highway
- MS60 Offences not covered by other codes

- UT50 Aggravated taking of a vehicle

- Aiding, abetting, counselling or procuring
Offences as coded above, but with 0 changed to 2 (e.g. LC20 becomes LC22)

- Causing or permitting

Offences as coded above, but with 0 changed to 4 (e.g. LC20 becomes LC24)
Inciting

Offences as coded above, but with 0 changed to 6 (e.g. DD40 becomes DD46)

This list is not exhaustive and codes may be changed or added during the duration of this policy. If an applicant or current licence holder has been disqualified or given points that are not listed here, they will still be taken into account.

Hybrid traffic offences

10. Offences of this type will be treated as major traffic offences if the court awarded four or more penalty points or as minor traffic offences if the court awarded three or less penalty points and will then be dealt with in accordance with minor or major traffic offences as necessary.

These offences are;

- CU10 Using vehicle with defective brakes
- CU20 Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
- CU30 Using a vehicle with defective tyre(s)
- CU40 Using a vehicle with defective steering
- CU50 Causing or likely to cause danger by reason of load or passengers
- CU80 Breach of requirements as to control of the vehicle, mobile telephones etc.

- SP10 Exceeding goods vehicle speed limit
- SP20 Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
- SP30 Exceeding statutory speed limit on a public road
- SP40 Exceeding passenger vehicle speed limit
- SP50 Exceeding speed limit on a motorway
- SP60 Undefined speed limit offence

Aiding, abetting, counselling or procuring
Offences as coded above, but with 0 changed to 2 (e.g. CU10 becomes CU12)

Causing or permitting
Offences as coded above, but with 0 changed to 4 (e.g. CU10 becomes CU14)

Inciting
Offences as coded above, but with 0 changed to 6 (e.g. CU10 becomes CU16)

This list is not exhaustive and codes may be changed or added during the duration of this policy. If an applicant or current licence holder has been disqualified or given points that are not listed here, they will still be taken into account.

Use of handheld mobile telephones whilst driving

11. Isolated convictions for use of a handheld mobile telephone or device should not prevent an applicant from gaining a licence or an existing licence holder from keeping their licence. However, the number, type and frequency of such offences will be taken into account and if there are more than two offences of this nature the applicant will normally be expected to show a period free of conviction of at least six months. Where an application has been refused or an existing licence holder suspended because of this provision they may be required to pass the DVSA Taxi and Private Hire Assessment before the licence is granted or the suspended licence reinstated.

Offences under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976

12. One of the main purposes of the licensing regime is to ensure the protection of the public. For this reason a serious view is taken of all convictions, warnings, reprimands, criminal behaviour orders, cautions, community service orders, restraining orders and fixed penalties (including traffic offences) when deciding whether an applicant or an existing licence holder is to be treated as a 'fit and proper person' to hold or continue to hold a licence.
13. An applicant may be refused a licence where he or she has been convicted of an offence under the Acts at any time during the six months preceding the application, or has more than one conviction within the two years preceding the date of the application. If an existing proprietor, operator or driver is convicted of an offence under the legislation it could lead to all relevant licences being revoked for a minimum of five years; those who committed two or more offences would not normally be considered for a minimum of ten years but in most cases would be refused a licence for life. For new applicants who have submitted applications but are suspected of breaching the above named Acts, their application will be kept on hold pending a full investigation by the licensing officer. Those drivers who have had a licence revoked by any other local authority will not normally be considered for a minimum of five years after that revocation.
14. If the licensing officer having considered the applicant's or existing licence holder's previous history of behaviour or taken any other relevant matter into account considers that, based on all this information, the applicant is not 'fit and proper' or that an existing licence holder no longer is a 'fit and proper person', the licensing officer will submit a report for consideration by the licensing sub-committee. Where it is necessary to immediately suspend or revoke in the interest of public safety, the licensing officer will recommend the Deputy Chief Executive to immediately suspend or revoke an existing licence under their delegated authority.

Driving under the influence of alcohol offences

15. Convictions of driving or being in charge of a vehicle while under the influence of drink will be viewed seriously. An isolated spent conviction under the guidelines of The Rehabilitation of Offenders Act 1974 may not prevent an applicant from gaining a licence or an existing licence holder from keeping their licence, but a warning will be given as to future behaviour. If an applicant has been convicted of drink driving whilst in charge of a vehicle, the applicant may be refused a licence until five years after restoration of the DVLA driving licence. Where an application has been refused or an existing licence holder suspended because of this provision they may be required to pass the DVSA Taxi and Private Hire Assessment before the licence is granted or the suspended licence reinstated.
16. An unspent conviction for this type of offence will result in the refusal of the application or the revocation of an existing licence. If the licensing officer having considered the applicant's or existing licence holder's previous history of behaviour or taken any other relevant matter into account considers that, based on all this information, the applicant is not 'fit and proper' or that an existing licence holder no longer is a 'fit and proper person', the licensing officer will submit a report for consideration by the licensing sub-committee. Where it is necessary to immediately suspend or revoke in the interest of public safety, the licensing officer will recommend the Deputy Chief Executive to immediately suspend or revoke an existing licence under their delegated authority.

Public disorder offences involving alcohol

17. An isolated conviction for an alcohol related offence need not prevent an applicant from gaining a licence or an existing licence holder keeping their licence. If the licensing officer having considered the applicant's or existing licence holder's previous history of behaviour or taken any other relevant matter into account considers that, based on all this information, the applicant is not 'fit and proper' or that an existing licence holder no longer is a 'fit and proper person', the licensing officer will submit a report for consideration by the licensing sub-committee. Where it is necessary to immediately

suspend or revoke in the interest of public safety, the licensing officer will recommend the Deputy Chief Executive to immediately suspend or revoke an existing licence under their delegated authority.

Drugs

18. An applicant with a conviction for a drug related offence will be required to show a period of a least five years free of convictions before an application is granted. An existing licence holder who is convicted of a drug related offence will be referred to the licensing sub-committee who could order that all relevant licences are revoked. If the licensing officer having considered the applicant's or existing licence holder's previous history of behaviour or taken any other relevant matter into account considers that, based on all this information, the applicant is not 'fit and proper' or that an existing licence holder no longer is a 'fit and proper person', the licensing officer will submit a report for consideration by the licensing sub-committee. Where it is necessary to immediately suspend or revoke in the interest of public safety, the licensing officer will recommend the Deputy Chief Executive to immediately suspend or revoke an existing licence under their delegated authority.

Indecency offences

19. Applicants with convictions for soliciting will be refused a licence until five years free of such offences. An existing licence holder who is convicted of soliciting will be referred to the licensing sub-committee who could order that all relevant licences are revoked. Applicants with convictions for indecent exposure, indecent assault, importuning, or any of the more serious sexual offences, will be refused until a minimum of ten years free of such offences has passed. An existing licence holder who is convicted of any of these offences will be referred to the licensing sub-committee who could order that all relevant licences are revoked. More than one conviction for this kind of offence will mean that no licence will be granted. If the licensing officer having considered the applicant's or existing licence holder's previous history of behaviour or taken any other relevant matter into account considers that, based on all this information, the applicant is not 'fit and proper' or that an existing licence holder no longer is a 'fit and proper person', the licensing officer will submit a report for consideration by the licensing sub-committee. Where it is necessary to immediately suspend or revoke in the interest of public safety, the licensing officer will recommend the Deputy Chief Executive to immediately suspend or revoke an existing licence under their delegated authority.

Violence

20. As hackney carriage and private hire drivers maintain close contact with the public any existing licence holder with a conviction for any of the offences set out below will have his licence revoked. Any applicant for a licence will be refused where they have an unspent conviction for any of the offences below:

- a) murder
- b) manslaughter
- c) manslaughter or culpable homicide while driving
- d) arson
- e) malicious wounding or grievous bodily harm (s.20 Offences Against the Person Act 1861) which is racially aggravated (s.29(1)(a) Crime and Disorder Act 1998)
- f) actual bodily harm (s.47 Offences Against the Person Act 1861) which is racially aggravated (s.29(1)(b) Crime and Disorder Act 1998)
- g) grievous bodily harm with intent (s.18 Offences Against the Person Act)
- h) grievous bodily harm (s.20 Offences Against the Person Act)
- i) robbery
- j) racially aggravated criminal damage (s.30 Crime and Disorder Act 1998)
- k) racially aggravated s.4 Public Order Act 1986 offence (fear or provocation of violence) (s.31(1)(a) Crime and Disorder Act 1998)
- l) racially aggravated s.4A Public Order Act 1986 offence (intentional harassment, alarm or distress) (s.31 (1)(b) Crime and Disorder Act 1998)

- m) racially aggravated s.2 Protection from Harassment Act 1997 offence (harassment) (s.32(1)(a) Crime and Disorder Act 1998)
- n) racially aggravated s.4 Protection from Harassment Act 1997 offence (putting people in fear of violence) (s.32 (1) (b) Crime and Disorder Act 1998).

21. If the licensing officer having considered the applicant's or existing licence holder's previous history of behaviour or taken any other relevant matter into account considers that, based on all this information, the applicant is not 'fit and proper' or that an existing licence holder no longer is a 'fit and proper person', the licensing officer will submit a report for consideration by the licensing sub-committee. Where it is necessary to immediately suspend or revoke in the interest of public safety, the licensing officer will recommend the Deputy Chief Executive to immediately suspend or revoke an existing licence under their delegated authority.

22. As hackney carriage and private hire drivers maintain close contact with the public any existing licence holder with a conviction for any of the offences set out below will have his licence revoked. Any applicant for a licence will be refused where they have an unspent conviction for any of the offences below:

- a) common assault
- b) common assault which is racially aggravated (s.29(1)(c) Crime and Disorder Act 1998)
- c) assault occasioning actual bodily harm (s.47 Offences Against the Person Act)
- d) assaulting a police officer
- e) affray
- f) racially aggravated s.5 Public Order Act 1986 offence (harassment, alarm or distress) (s.31(1)(c) Crime and Disorder Act 1998)
- g) riot
- h) obstruction
- i) possession of an offensive weapon
- j) possession of a firearm
- k) criminal damage
- l) violent disorder
- m) resisting arrest.

23. If the licensing officer having considered the applicant's or existing licence holder's previous history of behaviour or taken any other relevant matter into account considers that, based on all this information, the applicant is not 'fit and proper' or that an existing licence holder no longer is a 'fit and proper person', the licensing officer will submit a report for consideration by the licensing sub-committee. Where it is necessary to immediately suspend or revoke in the interest of public safety, the licensing officer will recommend the Deputy Chief Executive to immediately suspend or revoke an existing licence under their delegated authority.

Theft and fraud

24. Drivers of hackney carriage and private hire vehicles are expected to be honest.

25. As hackney carriage and private hire drivers maintain close contact with the public any existing licence holder with a conviction for an offence of theft or fraud will have his licence revoked. Any applicant for a licence will be refused where they have an unspent conviction for any of the offences listed below:

- a) theft
- b) burglary
- c) fraud
- d) perjury
- e) benefit fraud (including offences under ss.111A and 112 of the Social Security Administration Act 1992)
- f) handling or receiving stolen goods
- g) forgery

- h) conspiracy to defraud
- i) obtaining money or property by deception
- j) other deception
- k) any other similar offence of dishonesty

26. If the licensing officer having considered the applicant's or existing licence holder's previous history of behaviour or taken any other relevant matter into account considers that, based on all this information, the applicant is not 'fit and proper' or that an existing licence holder no longer is a 'fit and proper person', the licensing officer will submit a report for consideration by the licensing sub-committee. Where it is necessary to immediately suspend or revoke in the interest of public safety, the licensing officer will recommend the Deputy Chief Executive to immediately suspend or revoke an existing licence under their delegated authority.

Driver's behaviour

27. Any hackney carriage/private hire driver acting in a disorderly, abusive or violent manner towards any member of the public, other driver, police officer or any council official (including officials from other councils) will be deemed not to be a 'fit and proper person' to hold a licence and will be referred for consideration by the licensing sub-committee. Where it is necessary to immediately suspend or revoke in the interest of public safety, the licensing officer will recommend the Deputy Chief Executive to immediately suspend or revoke an existing licence under their delegated authority.

Information

28. The date of the court conviction is to be taken as the start date of the rehabilitation period, unless a sentence of imprisonment or corrective training exceeding 48 months was imposed, in which case the offence is never rehabilitated.

29. A decision to refuse, revoke or suspend the licence can be appealed under the Public Health Act 1936 to the local Magistrates' Court within 21 days of the date on which the council's decision was served.

Summary of rehabilitation periods applicable to certain sentences

(Rehabilitation of Offenders Act 1974 as amended by the Legal Aid, Sentencing and Punishment Act 2012)

Sentence/disposal	Buffer period for adults (18 and over at the time of conviction or the time the disposal is administered). This applies from the end date of the sentence (including the licence period).	Buffer period for young people (under 18 at the time of conviction or the time the disposal is administered). This applies from the end date of the sentence (including the licence period).
Custodial sentence* of over 4 years, or a public protection sentence	Never spent	Never spent
Custodial sentence of over 30 months (2 5 years) and up to and including 48 months (4 years)	7 Years	3.5 years
Custodial sentence of over 6 months and up to and including 30 months (2 5 years)	4 Years	2 years
Custodial sentence of 6 months or less	2 Years	18 months
Community order or youth rehabilitation order**	1 Year	6 months

- a) Custodial sentence includes a sentence of imprisonment (both an immediate custodial sentence and a suspended sentence), a sentence of detention in a young offender institution, a sentence of detention under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000, a detention and training order, a sentence of youth custody, a sentence of corrective training and a sentence of Borstal training.
- b) In relation to any community or youth rehabilitation order which has no specified end date, the rehabilitation period is 2 years from the date of conviction.
- c) Those given a jail sentence of more than 30 months for sexual offending are placed on the sex offenders register indefinitely. Those imprisoned for between six and 30 months remain on the register for 10 years, or five years if they are under 18. Those sentenced to six months or less are placed on the register for seven years, or three-and-a-half years if under 18. Those cautioned for a sexual offence are put on the register for two years, or one year if under 18.

The following table sets out the rehabilitation period for sentences which do not have “buffer periods” and for which the rehabilitation period runs from the date of conviction.

Sentence/disposal	Rehabilitation period for adults (18 and over at the time of conviction or the time the disposal is administered).	Rehabilitation period for young people (under 18 at the time of conviction or the time the disposal is administered).
Fine	1 Year	6 months
Conditional discharge,	Period of the order	Period of the order
Absolute discharge	None	None
Conditional caution and youth conditional caution	3 months or when the caution ceases to have effect if earlier	3 months
Simple caution, youth caution	Spent immediately	Spent immediately
Compensation order	On the discharge of the order (i.e. when it is paid in full)	On the discharge of the order (i.e. when it is paid in full)
Binding over order	Period of the order	Period of the order
Attendance centre order	Period of the order	Period of the order
Hospital order (with or without a restriction order)	Period of the order	Period of the order
Referral order	Not available for adults	Period of the order
Reparation order	Not available for adults	None

Appendix B

Consultation Responses

1.

With regard to the policy, I would like to comment as follows.

Language Test: I consider that this is vital for H/C Drivers as they usually work alone and locally from ranks etc, and I would have thought that this could be incorporated in a spoken/written/reading knowledge test.

Language Test: I consider that this may be helpful to P/H Drivers but, as they are under the control of their operator and usually work out of town, and often to and from remote areas and are all equipped with communication and guidance systems, or radio control, it would not be necessary for the language test to be part of a local knowledge test.

Instead they would need a straight forward Language test After they have been vetted by the operator who has signed to employ them, and should there be any failure in their suitability a penalty be imposed on the operator either financial or points.

With regard to vehicles over five years old: I consider that the Ministry test valid for one year should be sufficient, but with a six monthly visual only and no charge, and with brand new vehicles there should be no test required for the first year, the only test in this first year should be visual and at a reduced fee, (after all, this is the law of the land and should cover all).

I consider there should be more leniency with people who have been prosecuted for drink drive offences, by taking into consideration the margin over the limit and if they have taken a 'drink awareness course' thus reducing their ban, **(did they deliberately commit the offence, or did they take steps to re-educate themselves for the future).**

I consider drug use at the moment is easier to conceal and there is more likelihood that this may be passed on to passengers, so stiffer penalties are needed.

These comments are posted with the best intention and in the general interest of all involved in the trade and the travelling public.

2.

Dear Sirs,

I refer to your recent letter re new licensing policy.. There are just a few comments I would like to make.

Firstly in section 2.8 it states that security & cctv signs allowed but in section 16 it states the council has to be notified when such equipment is installed, a fact not included in the first statement.

Secondly in the section for insurance, particularly in the private hire section it makes it clear that the vehicle can only be used for work whilst being driven by a licenced driver. In the past I believe it also stated that the vehicle could any be driven at anytime by a licenced driver. .i.e. even when in social use as the public would not be aware of the difference. Is this still the case and if so I could not find it clearly stated.

Finally it differentiates between private hire and hackney and a need to have the relevent licence. I have both licences. Would it not be possible to introduce a dual licence. I cannot be driving more than one vehicle at a time so now with the introduction of the cost of a three year licence my renewal this year will be well in excess of £400. The cost to the council for both licences's surely is not twice that of a single issue.

As a footnote to the whole thing and not directly under the term of this review I would like to complain about the taxi ranks provided within Tewkesbury town. The concern of these licences is the safety of the public yet particularly in the evenings hackney plated cars can not even get on the rank due to public parking. In the daytime people seem to be getting the message that it might cost them to park there illegal but no such monitoring takes place in the evening. By pestering the parking body on one occasion traffic wardens did patrol the town for one evening. This is not good enough. After an evening of enjoyment the public are not that aware of what vehicle they would be getting into that is parked in a designated hackney licenced pick up spot making them vulnerable to all sorts of risks

Thanks

3.

I have speed read through the new proposed policy and all seems reasonably clear. There are others far more qualified than me to find any issues for debate and discussion.

I have been a registered taxi driver until January of this year. I renewed my license every year for a 12 month period as this arrangement suited my circumstances. Changes this year to require me and any other driver to sign up for a minimum of 3 years is a little short sighted. On top of the extra expense incurred it ignores the fact that many drivers take up the position whilst 'between jobs', and thus want to provide for themselves rather than depend on handouts from the state. To have to invest over £300 before you start earning will act as a disincentive to take up taxi driving as a temporary form of employment. In my case, I was hoping to carry on the work until this summer, ie for a period of 6 months. I still had 12 months to run on my CRB, medical etc, but the new requirements meant I had to renew these and consequently I concluded the extra expenditure was not financially worth it thus causing me to 'hang up my keys' at short notice, thus depriving the town of one more driver willing to meet the needs of its populous.

Talking to others I know I am not alone in these thoughts, and so I suggest you review this aspect of your policy.

I hope you find my views constructive and useful.

4.

Hi

Having read your proposed document I think it is fine. I do not agree with Gloucester City Council for making drivers take re-tests as I think you can over compensate on safety.

What I would say as a driver who attends Alderman Knight School is there need's to be safety issues approached regarding space and parking at this school. I would also say I was of the understanding that all taxi/private hire drivers were meant to stay with the children until the gates opened in the morning and mini buses with children in there would be a PA assisting the driver. This isn't always the case with some taxis dropping children and leaving. Also a driver should know not to cross children from their parked vehicle when another vehicle is reversing as the driver of that vehicle can only look in one mirror at a time.

'Normal' taxis seem to be a law to themselves, some don't wear badges or jackets unless the Council people are there doing checks.

Also on a completely different note getting out of the school is horrendous especially when the lights heading out to the ring road for the motorway sometimes only last for a couple of seconds.

Thanks

5.

Dear Sir/Madam,

I am replying to your recent letters regarding the consultation document for Hackney carriage and Private hire policy that Tewkesbury BC is looking at introducing.

I would like to make certain points about the draft document.

With regard to point 3.6, I have recently had to have a medical examination, and my GP was very unhappy about having to sign one document giving her opinion that I, as the applicant, meets or does not meet the criteria for a Group 2 drivers licence. Her view was that it is not her role to give opinions or judgements about my ability to drive. It is her role to give you, the licensing authority, the information you need to make that decision. I cannot find anywhere that that certificate is required under the rules of the Department for Transport or under the rules/guidelines from the DVLA for Group 2 licences. I believe this should be looked at closely with regard to legal standing of such a certificate. If a medical practitioner will not sign it then surely there is a strong possibility that applicants will be appealing any decisions not to grant a licence.

With regard to point 3.7, I cannot understand why a DRB check is required every time for a renewal of the licence. I appreciate that a check needs to be carried out, as for any jobs or careers where vulnerable people may be involved. However, it seems that taxi and private hire drivers are looked at far more closely than other professionals. Am I not correct in thinking that people such as teachers only have a DRB check when they start a new job at a new local authority? My understanding is that DRB checks do not have a time limit on them.

It appears very unfair to me that drivers have to pay for something such as this on such a regular basis.

With regard to point 3.12, why can't driver and operator licences be issued for the same length of time, particularly in cases of owner/operators. It must make your life and the operators life easier.

Agenda Item 7

Document is Restricted