

9 February 2022

Committee	Licensing
Date	Thursday, 17 February 2022
Time of Meeting	2:30 pm
Venue	Tewkesbury Borough Council Offices, Severn Room

ALL MEMBERS OF THE COMMITTEE ARE REQUESTED TO ATTEND

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 (during office hours staff should proceed to their usual assembly point; outside of office hours proceed to the visitors' car park). 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.

3. DECLARATIONS OF INTEREST

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.



	Item	Page(s)
4.	MINUTES To approve the Minutes of the Licensing Committee meeting held on 14 October 2021 and the Licensing Sub-Committee (Street Trading and Hackney Carriage and Private Hire Vehicles, Drivers and Operators) meeting held on 10 December 2021.	1 - 6
5.	LICENSING SERVICE REVIEW UPDATE To consider the progress made in relation to the licensing service review to date and the planned project actions that are due to be carried out.	7 - 11
6.	REVISED HACKNEY CARRIAGE (TAXI) AND PRIVATE HIRE LICENSING POLICY - AMENDMENT TO DRIVER MEDICAL REQUIREMENTS AND INCLUSION OF GLOUCESTERSHIRE COMMON STANDARDS To determine whether the Licensing Authority should amend the current full medical criteria to a summary record and, if so, then approve the amendment set out in Paragraph 2.9 of the report which will be incorporated in the revised draft policy attached at Appendix A; and to recommend to the Executive Committee that the revised Hackney Carriage (Taxi) and Private Hire Licensing Policy, attached at Appendix A, incorporating the Gloucestershire Common Standards which were agreed by the Licensing Committee at its meeting on 14 October 2021, be adopted.	12 - 107
7.	SEPARATE BUSINESS The Chair will move the adoption of the following resolution: That under Section 100(A)(4) Local Government Act 1972, the public be excluded 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.	
8.	SEPARATE MINUTES To approve the separate Minutes of the meeting of the Licensing Sub-Committee (Street Trading and Hackney Carriage and Private Hire Vehicles, Drivers and Operators) meeting held on 10 December 2021.	108 - 109

DATE OF NEXT MEETING

THURSDAY, 9 JUNE 2022

COUNCILLORS CONSTITUTING COMMITTEE

Councillors: K Berliner, G F Blackwell, G J Bocking (Chair), C L J Carter, P A Godwin, D W Gray, E J MacTiernan (Vice-Chair), J W Murphy, P W Ockelton, C Reid, R J G Smith, C Softley, R J Stanley, M G Sztymiak and M J Williams

Substitution Arrangements

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

Recording of Meetings

In accordance with the Openness of Local Government Bodies Regulations 2014, 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 Chair 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, 14 October 2021 commencing at
2:30 pm**

Present:

Chair
Vice Chair

Councillor G J Bocking
Councillor E J MacTiernan

and Councillors:

K Berliner, G F Blackwell, P A Godwin, D W Gray, J W Murphy, P W Ockelton, R J G Smith,
M G Sztymiak and M J Williams

LIC.9 ANNOUNCEMENTS

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

LIC.10 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

10.1 Apologies for absence were received from Councillors C Reid and C Softley. There were no substitutions for the meeting.

LIC.11 DECLARATIONS OF INTEREST

11.1 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.

11.2 There were no declarations of interest made on this occasion.

LIC.12 MINUTES

12.1 The Minutes of the meeting held on 15 July 2021, copies of which had been circulated, were approved as a correct record and signed by the Chair.

LIC.13 MOBILE HOMES AND CARAVAN SITES LICENSING POLICY 2021-24

13.1 Attention was drawn to the report of the Interim Environmental Health Manager, circulated at Pages No. 4-46, which attached the revised Mobile Homes and Caravan Sites Licensing Policy 2021-24. Members were asked to approve the policy.

13.2 The Interim Environmental Health Manager explained that legislative changes to the regulations required mobile home and caravan site owners or managers to be assessed as fit and proper persons and the Council's Mobile Homes and Caravan Sites Licensing Policy had been updated to reflect that. The draft revised policy had been considered by the Licensing Committee at its meeting on 18 February 2021 where it had been approved for public consultation. The consultation had ended on 13 October 2021 and no responses had been received. Members were

now asked to approve the policy as set out at Appendix 1 to the report.

- 13.3 A Member sought clarification of the definition of a fit and proper person in this context and was advised that applicants would be assessed in the same way as taxi and private hire drivers. A Disclosure and Barring Service (DBS) check would be required to ensure the applicant had no relevant convictions or claims against them and Officers would check the records held by the Council to see if any issues had been raised in relation to the applicant at any sites. A Member noted that the Council was required to set up and maintain a register of fit and proper persons to manage sites within its area and he questioned whether that was publicly available. He also drew attention to Page No. 13, Paragraph 32 of the policy, which stated that enforcement charges would be based on an hourly rate reflecting the costs of enforcement, plus any additional costs incurred, and he asked whether there was an established national hourly rate. In response, the Interim Environmental Health Manager clarified that licensing fees were always based on Officer time. Whilst the register had not yet been published, it was in the process of being set-up and would be available online.
- 13.4 A Member drew attention to Page No. 11, Paragraph 16 of the policy, which stated that a site could not be licensed unless planning permission had been granted. He indicated that he was aware of a site within his Ward, which was partially in Tewkesbury Borough and partially in Gloucester City, where parcels of land with caravans and mobile homes located on them were being sold off and he asked how the policy would come into play in that situation. The Interim Environmental Health Manager explained that it was a pre-requisite for a caravan site like that to have planning permission; however, Officers were aware of a number of sites which did not have planning permission or did not have a site licence. Once the policy had been approved, it was intended to put in place a programme to deal with those sites, as soon as resources allowed. With regard to Page No. 12, Paragraph 22 of the policy, the Member noted that all sites would be risk rated as high, medium or low risk and he queried whether high risk would apply to sites within the flood plain or whether the risk rating applied only to the management of the site. In response, the Interim Environmental Health Manager advised there were a number of aspects to the risk rating such as health and safety, fire risk etc.; flood plain was not something which was specifically considered in terms of this policy. The Member indicated that he was happy to support the policy but felt that it was dangerous for caravan sites to be located within Flood Zone 3 and he was aware of a site in Walham which was within that zone so he asked that consideration be given to that with the policy potentially being brought back for amendment on that basis.
- 13.5 A Member noted that Page No. 30, Paragraph 57 of the policy, required a “suitably qualified person for the purpose of carrying out work on electrical installations and appliances, including maintenance and inspections, includes a professionally qualified electrical engineer, a member of the Electrical Contractors Association, a contractor approved by the National Inspection Council for Electrical Installations Contracting, or a qualified person acting on behalf of the above”. He raised concern that the wrong terminology had been used in terms of the “qualified electrical engineer” and felt it should instead say “qualified electrical technician”. In response, the Interim Environmental Health Manager explained that this had been drafted based on standard requirements under the Electrical Installation Certificate (EIC) regulations; however, she would be happy to check that the wording was appropriate and make any changes as necessary.

13.6 It was subsequently

RESOLVED

1. That the revised Mobile Homes and Caravan Sites Licensing Policy 2021-24 be **APPROVED** subject to an amendment to Page No. 30, Paragraph 57 to change “qualified electrical engineer” to “qualified electrical technician” if that was found to be the appropriate wording.
2. That consideration be given to taking flood risk into account when assessing the risk rating of caravan and mobile home sites and that the policy be brought back to the Committee for further amendment on that basis if necessary.

LIC.14 COMMON LICENSING STANDARDS FOR TAXI AND PRIVATE HIRE LICENSING

14.1 The report of the Interim Licensing Team Leader, circulated at Pages No. 47-73, advised the Committee on the outcomes of the consultation on the Gloucestershire Common Licensing Standards for Taxi and Private Hire Licensing. Members were asked to adopt the common standards, as outlined at Appendix 1 to the report.

14.2 Members were reminded that the Department for Transport had published its statutory Taxi and Private Hire Vehicle Standards in July 2020 with a strong focus on protecting all passengers and users of taxi and private hire transport services. The statutory guidance made clear that the government expected the recommendations to be implemented unless there was a compelling local reason not to do so. In light of that, the licensing authorities across Gloucestershire had collectively undertaken a review of their hackney carriage and private hire licensing policies and procedures and had drawn up a set of proposed common licensing standards for the county based on the national guidance. This would mean there was no incentive for drivers to apply to one particular authority for a licence over another; the same fit and proper standard would apply irrespective of where drivers applied for their licence. It was noted that consultation had been undertaken in April 2021 and no responses had been received, therefore it was not proposed to make any changes to the proposed standards attached at Appendix 1 which Members were asked to adopt.

14.3 A Member queried whether there were any significant changes for Tewkesbury Borough Council and the Interim Licensing Team Leader confirmed that the previous policy had not been very long so the proposed common standards extended the document by around 30 pages. The statutory guidance had changed a number of things and the most significant changes included Tewkesbury Borough Council signing up to the national refusal database – this was an additional check which ensured that drivers applying to Tewkesbury Borough Council had not previously been refused a licence elsewhere - and a new English language requirement. A Member questioned whether the common standards had been adopted by the other Gloucestershire authorities and was informed that Tewkesbury Borough Council would be the last to adopt. A Member thanked everyone who had taken part in this piece of work as it was something Members of the Licensing Committee had wanted for some time and she was pleased there was now a robust document which could be relied upon.

14.4 It was

RESOLVED

That the Gloucestershire Common Licensing Standards for Taxi and Private Hire Licensing be **ADOPTED**, as outlined at Appendix 1 to the report.

LIC.15 UPDATE ON THE LICENSING FUNCTION AND PROGRESS OF THE SERVICE REVIEW

- 15.1 Attention was drawn to the report of the Interim Environmental Health Manager, circulated at Pages No. 74-77, which provided an update on the progress of the service review which aimed to deliver an effective and responsive licensing service. Members were asked to consider the general update on the licensing function and the progress of the service review.
- 15.2 The Interim Environmental Health Manager advised that the Interim Licensing Team Leader had been with Tewkesbury Borough Council for three months which had made a huge difference to the progress of the licensing service review; there was still a long way to go but things were improving. There continued to be issues with long term sickness within the team and there would shortly be a vacancy arising for a permanent member of staff. The Interim Licensing Team Leader would be leaving at the end of the month a new Licensing Operations and Development Team Leader would be joining the authority on a fixed term one year contract from the end of November. It was noted that the review was now being monitored by the Corporate Programme Board to ensure progress was monitored regularly and any issues identified and resolved quickly.
- 15.3 A Member drew attention to Page No. 75, Paragraph 2.3 of the report which stated that requests for temporary events remained high and she asked how long Temporary Event Notices (TENs) were valid for. The Interim Environmental Health Manager confirmed that TENs related to a specific event and could apply for a number of occasions within a 12 month period depending on whether the venue was already a licensed premises. She explained that the number of occasions had been increased by the government recently to give more opportunities for people to hold events following the easing of COVID-19 restrictions. Another Member raised concern that the Licensing section was under-resourced and he felt this needed to be considered in order to feed into the budget for next year; even without the issues brought about by the pandemic it seemed that the department had been struggling. This view was shared by another Member who felt that the Licensing section had quite clearly been under-resourced for some time. He noted from the report that an Officer had been seconded from another authority and he asked which one that was. He raised concern that the introduction of online applications would involve a lot of administrative work which would put more pressure onto existing staff. He drew attention to Page No. 76, Paragraph 2.7 of the report, which stated that a shared service with another Council would be investigated as part of the review and he suggested that another authority may already have an IT system in place which could be utilised and he asked if that had been given any thought. In response, the Interim Environmental Health Manager advised that the secondment referenced in the report was the current Interim Licensing Team Leader who was from Cheltenham Borough Council which had already implemented online applications. She explained that every licensing authority was required to have its own system to be able to process licences so, in a shared service arrangement, there would be an option as to whether to retain a system in-house or to adopt the other authority's system but it would still be necessary to have an internal system and it was not possible to automatically use another authority's system. In terms of the delay in the delivery of online applications, she explained that the Licensing team had been working with the Business Transformation team and a series of meetings had been arranged to deliver this project; however, a number of issues had been identified with the back office system which would cause problems when moving online. The Interim Licensing Team Leader had been working to improve the back office to ensure the correct files were in place so there was a straightforward link to online applications which would prevent further delays later on.

15.4

It was

RESOLVED

That the update on the licensing function and the progress of the service review be **NOTED**.

The meeting closed at 3:00 pm

TEWKESBURY BOROUGH COUNCIL

Report to:	Licensing Committee
Date of Meeting:	17 February 2022
Subject:	Licensing Service Review Update
Report of:	Environmental Health Manager
Corporate Lead:	Head of Community Services
Lead Member:	Lead Member for Clean and Green Environment
Number of Appendices:	None

Executive Summary:

In August 2021 the Environmental Health Manager commenced a review of the Council's licensing service. This report provides an update on the progress that has been made with the review together with an outline of the planned improvement project.

Recommendation:

To CONSIDER the progress made in relation to the licensing service review to date and the planned project actions that are due to be carried out.

Reasons for Recommendation:

The licensing service provides an important statutory function on behalf of the Council. Successful implementation of the licensing service review is a key corporate priority for both the Council and the Community Services Department.

Resource Implications:

Completion of the service review and improvement project is likely to require significant input from both the Licensing Manager and Environmental Health Manager. The potential impact of this on other environmental health services will be carefully monitored by the Head of Community Services and the Environmental Health Manager.

Legal Implications:

Failure to implement the improvements identified by the service review may compromise the ability of the Council to act effectively in its capacity as a statutory licensing authority.

Risk Management Implications:

Failure to carry out the actions identified by the licensing service review may represent a reputational risk to the Council.

Performance Management Follow-up:

Progress of the review will be monitored by the Council's corporate Programme Board and the Head of Community Services and the outcomes of the review will be reported to the Licensing Committee.

Environmental Implications:

None

1.0 INTRODUCTION/BACKGROUND

- 1.1** In November 2021, the Council appointed an experienced Licensing Manager to lead a detailed review of the Council's licensing service and put in place any necessary actions identified as part of the review. This follows an initial appraisal of the service undertaken by the Environmental Health Manager in the summer of 2021.
- 1.2** As reported at the last Licensing Committee meeting, the licensing service review is now being monitored by the corporate Programme Board. A detailed service improvement project plan has now been drafted and this will be presented to the Council's Corporate Programme Board in February 2022.
- 1.3** The project plan focuses on four key elements of the licensing service: licensing governance; licensing finance; information technology; and personnel. This report provides a broad outline of the key objectives that the plan will aim to achieve in each of these four areas.

2.0 LICENSING GOVERNANCE

- 2.1** This aspect of the project aims to ensure that the Council's licensing policies are up to date and consistent with common standards adopted throughout Gloucestershire, particularly with respect to taxi licensing. Key project milestones in terms of licensing governance are outlined in the table below:

<u>Action</u>	<u>Target date</u>
<i>Update the Council's taxi licensing policy to incorporate Gloucestershire common standards and outcome of 2021 consultation</i>	<i>March 2022</i>
<i>Send letter to the trade to advise on planned taxi policy changes</i>	<i>March 2022</i>
<i>Present Caravan and Campsite licensing policy to Executive Committee for adoption</i>	<i>March 2022</i>
<i>Review the Council's Licensing Act 2003 and Gambling Act 2005 Policy followed by consultation</i>	<i>April 2022</i>
<i>Appoint garage to undertake vehicle compliance and emissions checks</i>	<i>June 2022</i>
<i>Present draft Licensing Act 2003 Policy and Gambling Act Policy 2005 to the Licensing Committee</i>	<i>October 2022</i>
<i>Present draft Licensing Act 2003 Policy and Gambling Act Policy 2005 to Full Council</i>	<i>December 2022</i>

Update the Councils scheme of delegation to ensure that the Head of Community Services is provided with the power to immediately revoke a driver's licence in the event that the driver is implicated or convicted of serious sexual offences and to review the Committees powers with regards to policy adoption December 2022

Publish online registers for licences to meet statutory requirements December 2022

Complete implementing the Gloucestershire Common Standards December 2022

Implement online registers for licence applications December 2022

3.0 LICENSING FINANCE

3.1 This element of the project aims to improve the debt recovery performance of the Licensing Service. Successful completion of this element should also allow for improved managerial oversight of financial matters relating to licensing and ensure that the Council's financial processes are consistent with best practice. Key project milestones relating to licensing finance are outlined in the table below:

<u>Action</u>	<u>Target date</u>
<i>Prepare schedule of 2022/23 licensing fees and charges, and update the council's website</i>	<i>April 2022</i>
<i>Review all licensing income codes to ensure they meet statutory requirements</i>	<i>April 2022</i>
<i>Put in place a robust debt recovery process for non-payment of licensing fees.</i>	<i>November 2022</i>
<i>Implement a reconciliation procedure</i>	<i>November 2022</i>
<i>Check all licensing subscriptions are based on the correct rateable value for the premises in accordance with current valuation office figures</i>	<i>December 2022</i>
<i>Review of fees and charges for 2022/23</i>	<i>January 2023</i>

4.0 INFORMATION TECHNOLOGY

4.1 This element of the project aims to ensure that the Council's Licensing Service is making full use of current information technology and digital platform capability so that the licence application and consultation process is as automated and efficient as possible. Key project milestones for this element are outlined in the table below:

<u>Action</u>	<u>Target date</u>
<i>Implementation of automatic licence consultations rather than manual email consultations</i>	<i>April 2022</i>
<i>Website contents to be reviewed as part of the Council review</i>	<i>April 2022</i>
<i>Implementation of Uniform Enterprise tool for overview of work tasks</i>	<i>May 2022</i>
<i>Online application forms to made available for high volume licence applications e.g. Temporary Event Notices/Taxi and Private Hire licences</i>	<i>August 2022</i>
<i>Online form solution for other types of licences</i>	<i>September 2022</i>
<i>Online public registers to be implemented</i>	<i>December 2022</i>

5.0 LICENSING PERSONNEL

5.1 This element of the project aims to ensure that a robust training and competency framework is in place for officers within the Licensing team together with an improved process for officer support and performance management. Furthermore, it also seeks to ensure that the structure of the Licensing team is fit for purpose and able to meet the future needs of the Council. Key project milestone targets for this element are outlined in the table below:

<u>Action</u>	<u>Target date</u>
<i>Review training needs of the current licensing team and prepare a training and development plan to address any significant skills gaps.</i>	<i>February 2022</i>
<i>Review the current structure and resources of the licensing team to ensure they are adequate and capable of maintaining and effective service.</i>	<i>November 2022</i>

6.0 OTHER OPTIONS CONSIDERED

6.1 None

7.0 CONSULTATION

7.1 Corporate Project Board

8.0 RELEVANT COUNCIL POLICIES/STRATEGIES

8.1 The Council's Corporate Plan
The Council's Corporate Enforcement Policy

9.0 RELEVANT GOVERNMENT POLICIES

9.1 Central Government Licensing Guidance

10.0 RESOURCE IMPLICATIONS (Human/Property)

10.1 Completion of the service review and improvement project is likely to require significant input from both the Licensing Manager and Environmental Health Manager. The potential impact of this on other environmental health services will be carefully monitored by the Head of Community Services and the Environmental Health Manager.

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

11.1 None

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

12.1 An equality impact assessment and privacy impact assessment will be completed in connection with the plans submitted to the Programme Board.

13.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

13.1 None

Background Papers: None

Contact Officer: Environmental Health Manager
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Appendices: None

TEWKESBURY BOROUGH COUNCIL

Report to:	Licensing Committee
Date of Meeting:	17 February 2022
Subject:	Revised Hackney Carriage (Taxi) and Private Hire Licensing Policy – Amendment to Driver Medical Requirements and Inclusion of Gloucestershire Common Standards
Report of:	Licensing Operations and Development Team Leader
Corporate Lead:	Head of Community Services
Lead Member:	Lead Member for Clean and Green Environment
Number of Appendices:	Two

Executive Summary:

To consider an amendment to the current medical criteria for drivers, set out at Page No. 13 of the Hackney Carriage and Private Hire Licensing Policy, and to recommend to the Executive Committee that the revised Hackney Carriage (Taxi) and Private Hire Licensing Policy, incorporating the Gloucestershire Common Standards which were agreed by the Licensing Committee at its meeting on 14 October 2021, be adopted.

Recommendation:

1. That the Committee determines whether the Licensing Authority should amend the current full medical criteria to a summary record and, if so, then **APPROVE** the amendment set out in Paragraph 2.9 of the report which will be incorporated in the revised draft policy attached at Appendix A.
2. That the revised Hackney Carriage (Taxi) and Private Hire Licensing Policy attached at Appendix A, incorporating the Gloucestershire Common Standards which the Committee agreed at its meeting on 14 October 2021, be **RECOMMENDED TO THE EXECUTIVE COMMITTEE for ADOPTION.**

Reasons for Recommendation:

The current medical criteria is proving problematic for licence holders/new applicants in terms of obtaining medical appointments due to the current waiting lists/unavailability of appointments at GP surgeries. The amended criteria will enable licence holders/new applicants to obtain medicals more easily without any risk to public safety.

The draft Hackney Carriage (Taxi) and Private Hire Licensing Policy has been updated with the Gloucestershire Common Standards and requires formal adoption. The current delegations are that all licensing policy documents should be formally approved by the Executive Committee.

Resource Implications:

None specifically related to this report.

Legal Implications:

The Statutory Taxi and Private Hire Standards (“Standards”) have been published by the Department for Transport under the powers set out in section 177 of the Policing and Crime Act 2017. Section 177(4) of the Policing and Crime Act 2017 states that any public authority which has licensing functions under taxi and private hire vehicle legislation must have regard to any guidance issued under this section. Failure to adopt these Standards could leave the Council open to legal challenge.

There are data protection implications arising from the adoption of the Standards, particularly around information sharing between licensing authorities and third parties. It is recommended that the relevant privacy notices and associated documents are reviewed and updated as necessary to reflect the proposed changes.

Risk Management Implications:

It is a statutory requirement to ensure that drivers are ‘fit and proper’ persons to carry out their role in transporting members of the public. One of the Council’s policy requirements for assessing the ‘fit and proper’ test is that the licence holder/applicant obtains a medical examination to prove their medical fitness. If the licence holder/applicant is unable to do this the Licensing Authority must suspend/not process the licence/application.

Performance Management Follow-up:

None required.

Environmental Implications:

There are no direct environmental implications.

1.0 INTRODUCTION/BACKGROUND

- 1.1 The Licensing Committee resolved to adopt the Gloucestershire Common Standards at its meeting on 14 October 2021.
- 1.2 The Common Standards have been incorporated into the existing Hackney Carriage (Taxi) and Private Hire Licensing Policy and the document has been updated. A copy of the draft document is attached at **Appendix A**.
- 1.3 A copy of the existing policy is attached at **Appendix B**.
- 1.4 No changes have been made to any other parts of the policy.
- 1.5 As part of the driver licensing process, it is a requirement that an applicant for a Hackney Carriage or Private Hire Driver Licence is a ‘fit and proper’ person to hold such a licence.
- 1.6 In accordance with Section 57(1) of the Local Government (Miscellaneous Provisions) Act 1976 the Council may request such information it considers necessary to determine whether conditions should be attached to the licence.

1.7 The provisions of Section 57(2) of the Local Government (Miscellaneous Provisions) Act 1976 specifically allow a local authority to require a medical certificate certifying that the applicant for a Hackney Carriage or Private Hire Driver Licence is physically fit to undertake that role.

1.8 The Department for Transport (DfT) Best Practice Guidance states:

It is clearly good practice for medical checks to be made on each driver before the initial grant of a licence and thereafter for each renewal. There is general recognition that it is appropriate for taxi/PHV drivers to have more stringent medical standards than those applicable to normal car drivers because:

- *they carry members of the general public who have expectations of a safe journey;*
- *they are on the road for longer hours than most car drivers; and*
- *they may have to assist disabled passengers and handle luggage.*

It is common for licensing authorities to apply the “Group 2” medical standards – applied by DVLA to the licensing of lorry and bus drivers – to taxi and PHV drivers. This seems best practice.

2.0 PROPOSED CHANGES TO CURRENT POLICY REQUIREMENTS

2.1 The current medical requirement within Tewkesbury Borough Council’s Policy reads:

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.

2.2 Due to the pandemic, it has been increasingly difficult for licence holders/applicants to be able to book a medical appointment at their GP surgery.

2.3 The DVLA permitted lorry and bus drivers a one-year grace period over 2020/21 so they could accommodate the backlog of medical appointments whilst the country was in the first lockdown and further COVID-19 measures followed. As the DVLA sets the standard for medicals (which the Council follows) this grace period was also given to existing drivers.

2.4 Since the grace period of time has ended, drivers/applicants have been allowed to use any medical practitioner to complete a Group 2 medical assessment providing that the practitioner has access to the patient’s full medical record. This follows the same level of information as their GP would have access to.

2.5 There are many practices that offer medical assessments and only GMC (General Medical Council) registered practitioners are able to complete a Group 2 medical assessment.

- 2.6 This pragmatic approach has meant that no suspensions have been carried out due to the inability to obtain a medical report once the drivers licence has expired or prevented a licence from being issued when applying to the Council without compromising public safety.
- 2.7 Full medical records can contain a huge amount of information dating back to birth and usually these records include information which has no relevance to the medical assessment. This can impact on the practitioner's time and can also hinder a medical condition/medication being seen whilst trawling through the paperwork.
- 2.8 Increasingly, Licensing Authorities are now accepting a summary record. Based on clinical advice, all of the important medical information required to safely determine a candidate's fitness to drive is easy to review on a good, computerised summary of medical records. This summary is easier to translate and less time consuming for the practitioner. Cheltenham Borough Council have just adopted this approach and Stroud District Council are also going through the process to accept summary records.
- 2.9 It is proposed to change the policy requirement to:

A medical examination carried out by a medical practitioner 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 medical declaration form, along with the DVLA D4 medical examination form, must be presented to a suitably qualified medical practitioner. Both of these forms are available on the Council's website. The applicant will be responsible for paying the fee for the examination to the practitioner. On completion of the examination, **both** documents must be submitted to the Council. The medical practitioner completing the medical examination must have access to your medical history or a 'summary of medical records'.*

Once a medical assessment has been carried out, the declaration form is only valid for 3 months.

3.0 OTHER OPTIONS CONSIDERED

3.1 None

4.0 CONSULTATION

4.1 None.

5.0 RELEVANT COUNCIL POLICIES/STRATEGIES

5.1 The Council's Corporate Plan.

6.0 RELEVANT GOVERNMENT POLICIES

6.1 Department for Transport Taxi and Private Hire Vehicle Licensing: Best Practice Guidance (March 2010)

7.0 RESOURCE IMPLICATIONS (Human/Property)

7.1 None.

- 8.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)**
- 8.1** None.
- 9.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)**
- 9.1** None.
- 10.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS**
- 10.1** [Licensing Committee, Thursday, 14 October 2021](#)

Background Papers: [Department for Transport Taxi and Private Hire Vehicle Licensing: Best Practice Guidance \(March 2010\)](#)

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Appendices: A – Tewkesbury Borough Council’s Hackney Carriage (Taxi) and Private Hire Licensing Policy – Revised Policy incorporating Gloucestershire Common Standards

B – Tewkesbury Borough Council’s Hackney Carriage (Taxi) and Private Hire Licensing Policy – 2016 – 2019 – Existing Policy



HACKNEY CARRIAGE (TAXI) AND PRIVATE HIRE POLICY

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

Version control

Date	Version	Amendments
October 2021	2	<ul style="list-style-type: none"> Updated to reflect “Common Licensing Standards for Licensing Hackney Carriage and Private Hire Drivers in Gloucestershire”

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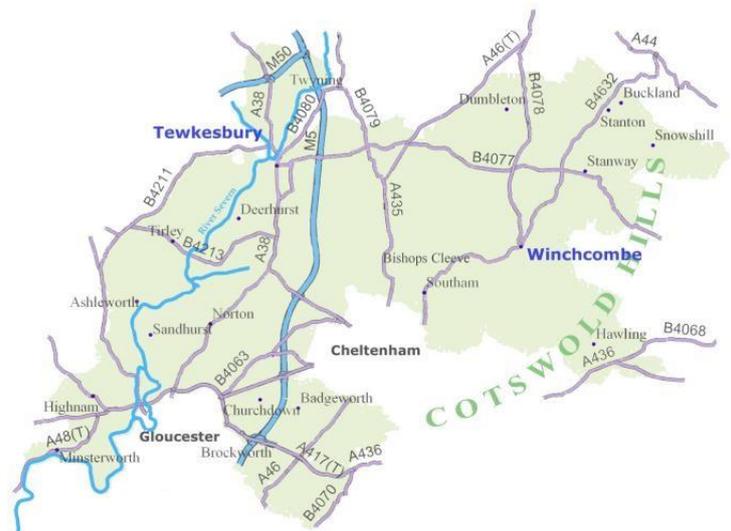
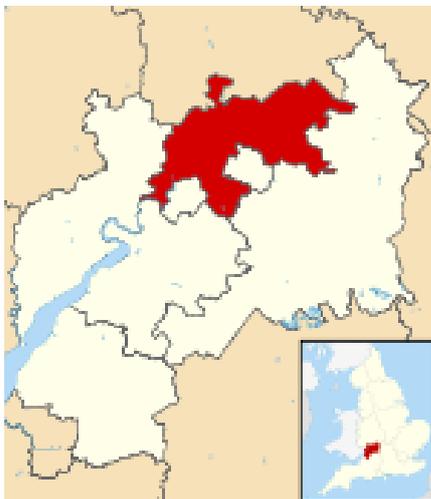
Overview

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.



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.

Part One – Hackney Carriage & Private Hire Drivers

Common Licensing Standards for Licensing Hackney Carriage and Private Hire Drivers in Gloucestershire



Introduction

1. Following the publication of the Department for Transport's ("DfT") Statutory Taxi and Private Hire Vehicle Standards ("the statutory guidance"), the licensing authorities for Gloucestershire has adopted common standards for licensing of hackney carriage and private hire drivers, vehicle proprietors and operators. Please refer to the scope below for further information. These common standards are based on the statutory guidance.
2. The purpose of these common standards is to set a common basic licensing standard for all licence holders and new applicants to promote best practice, maintain high safeguarding standards and to reduce the burden on licence holders and businesses.
3. The scope of the common standards are outlined below and individual licensing authorities retain the right to set its own licensing standards for aspects that are not included in scope.

Licensing Authorities

The Gloucestershire licensing authorities that have signed up to the common standards are:

1. Cotswold District Council
2. Forest of Dean District Council
3. Gloucester City Council
4. Stroud District Council
5. Cheltenham Borough Council
6. Tewkesbury Borough Council

General Principles

Licensing Policies

Each licensing authority that has adopted these common standards will have a comprehensive and a cohesive licensing policy document that brings together procedures on taxi and private hire vehicle licensing including these common standards.

Licensing policy documents will be reviewed every five years or more frequently should there be significant issues arising in their area, and their performance annually. Changes to adopted policies will be consulted on as appropriate including the local licensed trade, with licensing authorities that have adopted these common standards and other key stakeholders.

Any changes in licensing policy and/or requirements will be followed by a review of the licences already issued in accordance with the statutory guidance and on a case to case basis.

Ancillary Policies

Although not in scope of these common licensing standards, each licensing authority that has adopted these common standards will have in place the following ancillary policies:

- Whistleblowing policy and procedure for raising concerns about licensing matters and procedures
- Data sharing agreements and processes to enable sharing licensing information with other licensing authorities
- Procedure(s) for immediate suspension and revocation of licences as circumstances dictate.

Regulatory Structure

Each licensing authority that has adopted these common standards will operate its licensing function in accordance with its own scheme of delegation.

Enforcing the Licensing Regime

The licensing authorities that have adopted these common standards collectively acknowledge the importance of a fair and robust enforcement scheme and approach.

To this end, the following measures have been adopted:

1. Common Enforcement and Complaints Policy & Procedure (Appendix C)
2. Joint authorisation of enforcement officers off the licensing authorities that have adopted these common standards;
3. Information sharing agreements between the licensing authorities that have adopted these common standards

Specific Policies & Procedures

Fit & Proper

Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a 'fit and proper' person to be a licensee. The question of whether a person is a fit and proper person will be based on the following standard:

Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?

If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.

The overriding consideration will be safeguarding the public. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the Licensing Sub-Committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

Licensing officers are delegated in accordance with the table set out in **Appendix A** including for dealing with serious matters that may require the immediate action in relation to a licence.

Information Sharing

Criminal records checks and information

The assessment of fit and proper includes, amongst other things, an assessment of an applicant or licensee's character and any relevant information relating to current or previous history.

Hackney carriage and private hire applicants or licensees will be subject to enhanced criminal records checks through the Disclosure & Barring Service (DBS) including checks against the national barred list.

The DBS check must satisfy the following:

- Workforce must state 'Other Workforce'
- Child and Adult Barring lists must be included

Appendix B, outlines the common standards for rehabilitation times relating to criminal records and other relevant matters outlined.

Hackney carriage and private hire applicants or licensees must be subscribed to the DBS's Update Service.

Each of the licensing authorities that have adopted these common standards will undertake six monthly enhanced DBS checks including checks against the children and adult Barred Lists for licensed drivers. The six month checking requirement will be brought into scope once these standards have been adopted (Autumn 2021).

In the interests of public safety, a licence is unlikely to be granted to any individual that appears on either barred list.

Each of the licensing authorities that have adopted these common standards will have also subscribe to the national refusals database (NR3). Hackney carriage and private hire applicants or licensees must declare on application whether they have had a hackney carriage and private hire driver's licence refused or revoked by another authority. Each applicant and licensee's application will be checked against the NR3 database to confirm if the information declared is correct and accurate.

Licence refusals and revocations will also be recorded on NR3 database. A decision to refuse or revoke a licence where this decision related to a risk of harm to a child or vulnerable adult, will be referred to the DBS and Gloucestershire Constabulary.

Licencee self-reporting

Licence holders are required to notify the issuing authority **within 48 hours** of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence.

An arrest for any of the offences mentioned above is likely to result in a review by the issuing authority as to whether the licence holder is fit to continue.

Please also refer to the relevance of convictions policy at **Appendix B** for more information on the relevance of other convictions, arrests, cautions and criminal investigations.

Complaints against licensees

Licensees are required to display, in their licensed vehicles, guidance for passengers on making complaints directly to the licensing authority. The guidance for passengers must be displayed where it can easily be read. Signage to be displayed in licensed vehicles showing the guidance will be issued by the licensing authority. The signage will include:

- the licensing authority's name, contact email and address,
- the vehicle plate number for reference when making complaint,
- the licensing authority's website address where there will be further information for passengers about how to make complaint.

Licensees who are found to not be displaying the complaint guidance face a suspension of their vehicle licence and a possible review of their driving licence.

Complaints will be recorded, investigated and appropriate action taken in accordance with the Enforcement and Complaints policy at **Appendix C**.

Certificate of Good Character

Where any applicant has been resident abroad at any time from the age of 18 prior to an application they must provide a Certificate of Good Conduct, a Criminal Record Check or similar document from each and every country within which they have been resident.

Residency for these purposes is considered by this Licensing Authority as where the person has lived in a country for longer than 6 months in a given calendar year. Where this Certificate has been produced in a non-English language, the applicant is required to produce a translation of the Certificate from the Embassy or Consulate of that country and provide the original document.

An exception might be permitted where a refugee has been allowed to stay in the UK and has been given asylum, and this exception will only apply to that country.

[Criminal records checks for overseas applicants](#), will assist you further in obtaining this document.

Immediate suspension and revocation of licences

Where it comes to the attention of a licensing authority that the fitness of a licence holder has been called into question, which raises concerns as to whether the relevant licence holder should be allowed to continue to operate under their licence and that decision cannot wait until the next scheduled Licensing Sub-Committee, the licensing authority will decide if immediate action is necessary under its own scheme of delegation. Immediate action can include a decision to suspend or revoke the licence.

Circumstances that might give rise to concern about the fitness of a licence holder would include, for example, serious complaint, criminal investigation, serious allegation, formal caution, conviction or any other circumstances deemed sufficiently serious that requires immediate action.

For the avoidance of doubt, licence holder relates to a driver, vehicle and/or operator licence.

Hackney Carriage & Private Hire Drivers

Duration of licences

Hackney carriage and private hire driving licences will be granted for a standard period of three years.

Individual licensing authorities retain the right to issue shorter driving licences in exceptional circumstances where circumstances deems this appropriate.

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.

Knowledge Test

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.

Language proficiency

The assessment of fit and proper includes an assessment of an applicant or licensee's English language proficiency. A lack of English language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation. Oral proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others.

Applicants for a hackney carriage or private hire driving licence must therefore have a sufficient English language proficiency and be able to demonstrate this.

Some applicants may not be required to take the English proficiency test. This is the case if they can demonstrate their ability to communicate in English by providing an appropriate educational certificate for a qualification related to English. Acceptable qualifications may include a GCSE (or equivalent) in a subject such as English language or literature, a degree in a subject containing substantial English content, or an NVQ or BTEC in a subject that requires its students to communicate well in English.

If applicants are unable to provide such a certificate, or if the licensing officer is not satisfied that the certificates provided sufficiently demonstrate the applicant's ability to communicate in English, the applicant will need to pass the English proficiency test.

English language proficiency requirements will apply to new applicants from date of adoption of these standards however, discretion remains to refer existing licence holder for an assessment on a case to case basis.

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.

Mandatory Safeguarding and Equality Awareness Training

Applicants for a hackney carriage or private hire driving licence must undertake mandatory safeguarding and equality awareness training prior to the issue of their licence. A common training approach and provision has been adopted by licensing authorities that have adopted these common standards.

Existing licensees will be required to undertake refreshers training every three years as a condition of the grant of their licence.

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.

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.

Disclosure and Barring

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. The certificate must satisfy the following:

- Workforce must state 'Other Workforce'
- Child and Adult Barring lists must be included

The certificate must be subscribed to the DBS online update service.

We will conduct 6 monthly DBS checks using the online update service. Any registration that has expired will result in the driver licence being suspended until a satisfactory DBS certificate can be provided and proof that the certificate has been registered for the DBS online update service has been provided.

We will accept portability of DBSs as long as they are 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. The original certificate must be provided.

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.

Licensed drivers are required to notify the licensing authority **within 48 hours** of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence.

Certificate of Good Conduct

Where any applicant has been resident abroad at any time from the age of 18 prior to an application they must provide a Certificate of Good Conduct, a Criminal Record Check or similar document from each and every country within which they have been resident.

Residency for these purposes is considered by this Licensing Authority as where the person has lived in a country for longer than 6 months in a given calendar year. Where this Certificate has been produced in a non-English language, the applicant is required to produce a translation of the Certificate from the Embassy or Consulate of that country and provide the original document. An exception might be permitted where a refugee has been allowed to stay in the UK and has been given asylum, and this exception will only apply to that country.

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.

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 F.

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.

National Register of Refusals and Revocations (NR3)

Tewkesbury Borough Council has signed up to the National Register of Taxi Licence Refusals and Revocations (NR3), a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or private hire driver licence revoked, or an application for one refused. The register is used for assessing whether an individual is a fit and proper person to hold a hackney carriage or private hire driver licence.

Therefore:

- Where a hackney carriage/ PHV licence is revoked, or an application for one refused, the authority will automatically record this decision on NR3.

- All applications for a new driver licence or driver licence renewal will automatically be checked on NR3. If a search of NR3 indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3 search will only be used in respect of the specific license application and will not be retained beyond the determination of that application.

The information recorded on NR3 itself will be limited to:

- name
- date of birth
- address and contact details
- national insurance number
- driving licence number
- decision taken
- date of decision
- date decision effective

Information will be retained on NR3 for a period of 25 years.

This is a mandatory part of making a new or a renewal application for a dual hackney carriage and private hire driver licence or for a private hire driver licence. Tewkesbury Borough Council has a published policy on its website outlining the approach it will take to requests by other authorities for further information about entries on NR3, and about the use it will make of any further information provided to it. You can read that policy at www.tewkesbury.gov.uk

Information will be processed in accordance with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR). Any searches, provision or receipt of information under NR3 are necessary to the authority's statutory licensing functions of ensuring that all drivers are fit and proper to hold the applicable licence.

If you wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the GDPR, you can do so to the authority's Data Protection Officer. This includes submitting a subject access request. *link required*

You always have the right to make a complaint to the Information Commissioner's Office (ICO). Advice on how to raise a concern about handling of data can be found on the ICO's website: <https://ico.org.uk/make-a-complaint>

Grant and renewal of licences

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.

[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.

Applying for a driver's licence

The authority issues the following driver licences:

- a) Private Hire; and
- b) Hackney Carriage.

Licences are issued subject to proof of eligibility as outlined below:

Requirement	Relevance
<p>Provide his or her original DVLA driving licence (or equivalent).</p> <p>The licence must have been held for at least 3 years, must cover the driver for the category of vehicle he or she will be driving, and must be valid for the entire duration of the period for which he or she is applying to be licensed.</p> <p>Please refer to motoring convictions within the Appendix B for further details.</p>	New and renewal applications
<p>Provide one passport sized, colour photograph of themselves.</p>	New and renewal applications
<p>You will need to provide an enhanced criminal disclosure certificate issued by the Disclosure and Barring Service (DBS).</p> <p>You will be required to also register for the DBS update service. You will need your certificate number. You must register for the update service within 30 days of the certificate being issued.</p> <p>Portability of DBS certificates will be allowed providing the original certificate is seen and the certificate must satisfy the following:</p> <ul style="list-style-type: none"> - Workforce must state 'Other Workforce' - Child and Adult Barring lists must be included 	New applications
<p>A DBS update service check of an Enhanced DBS. The certificate must satisfy the following:</p> <ul style="list-style-type: none"> - Workforce must state 'Other Workforce' - Child and Adult Barring lists must be included 	Renewal applications

Documentation demonstrating their right to work in UK. We will arrange an appointment to verify your documents.	New and renewal applications
You will need to pass a knowledge test. The test will assess your knowledge on a range of relevant subjects such as geographical knowledge, law and conditions and basic numeracy	New Hackney Carriage applications only
You need to arrange to get your medical assessment done. In line with DVSA recommendations, the authority has adopted the Group 2 driver standard for medical fitness of Hackney and Private Hire drivers. All drivers over the age of 65 will be required to produce a completed medical certificate annually.	New & renewal applications
<p>Evidence of your English language proficiency Some applicants may not be required to take the English proficiency test. This is the case if they can demonstrate their ability to communicate in English by providing an appropriate educational certificate for a qualification related to English.</p> <p>Acceptable qualifications may include a GCSE (or equivalent) in a subject such as English language or literature, a degree in a subject containing substantial English content, or an NVQ or BTEC in a subject that requires its students to communicate well in English.</p> <p>If applicants are unable to provide such a certificate, or if the licensing officer is not satisfied that the certificates provided sufficiently demonstrate the applicant's ability to communicate in English, the applicant will need to pass the English proficiency test.</p>	New applications
Certificate of good character Where any applicant has been resident abroad at any time from the age of 18 prior to an application they must provide a certificate of good conduct.	New applications Renewal applications where the licence holder has lived in another country for longer than 6 months in a given calendar year.
Mandatory licensing, safeguarding and equality training must be completed.	New & renewal* applications * Refresher training every three years

Part Two – Vehicles

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.

Hackney Carriage and Private Hire Vehicles

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.

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.

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.

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.

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.

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.

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.

Security and CCTV

There is no mandatory requirement for CCTV system in the licensed vehicles. Operators and drivers may install such equipment with prior written notification being supplied to the Council. Use of CCTV 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.

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

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.

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.

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.

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.

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.

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.

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.

Grant and renewal of 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 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.

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.

Part Three - Private Hire Operators

Duration of licences

Private hire operating licences will be granted for a standard period of five years.

Individual licensing authorities retain the right to issue shorter driving licences in exceptional circumstances where circumstances deems this appropriate.

Criminality checks for private hire vehicle operators

Licensed private hire operator(s) will be subject to an annual basic disclosure check from the DBS unless they are also a licensed hackney carriage or private hire driver licensed with the same authority where they hold the operating licence.

Whether a private hire operator(s) is fit and proper will be determined based on the definition set by the common licensing standards and the relevance of convictions policy at **Appendix B**.

Should the private hire operator(s) cease to hold a driver hackney carriage or private hire driver licence, a basic certificate will be required immediately.

Refusal to license in individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a private hire vehicle operator licence.

Under these circumstances, a decision on the fitness and propriety of a private hire operator(s) will be made independent of a driver licence refusal, based on the appropriate information and taking into consideration the individual circumstances of each case. An important consideration will be the information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

A private hire vehicle operator licence may be applied for by a company or partnership. In this case, the 'fit and proper' test will apply to each of the directors or partners in that company or partnership.

A licensed private hire operator issued to a company or partnership must advise the licensing authority of any change in directors or partners. Any change to directors or partners will require additional criminality checks.

Booking and dispatch staff

Licensed private hire operator(s) will be subject to a licence condition ensuring that all booking and dispatch staff have had a basic DBS check. In addition, private hire operators must ensure they have written policies and procedures in place to:

- a. ensure criminality checks are undertaken on all booking and dispatch staff at appropriate intervals; and
- b. set out its approach on employing all booking and dispatch staff that are ex-offenders.

Where a licensed private hire operator has outsourced its booking and dispatch function that licensed private hire operator must ensure the third-party have adequate arrangements in place as outlined above.

Record keeping

As a common standard enforced by way of a licensing condition, all licensed private hire operators will be required to record the following information for each booking accepted:

- the name of the passenger;
- the time of the request;
- the pick-up point;
- the destination;
- the name of the driver;
- the driver's licence number;
- the vehicle registration number of the vehicle;
- the name of any individual that responded to the booking request;
- the name of any individual that dispatched the vehicle.

Conditions

Private hire operators' licences are issued with conditions set out in Appendix E. 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.

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).

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.

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.

Grant and renewal of licences

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.

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 - Table of Delegations

Matter to be dealt with	Full Committee	Sub-Committee	Licensing Officers
Full policy review	All cases		
Application for driver's licence, with no convictions			All cases
Application for driver's licence, with relevant convictions		Cases where referral for determination required, other than traffic offences	Cases in relation to traffic offences
Suspension of driver's licence (public safety)		All cases where referral for determination required	
Revocation of driver's licence (public safety, immigration)		Cases where referral for determination required	Cases where immediate effect required
Application for vehicle licence			All cases
Suspension of vehicle licence (public safety)			All cases with a reasonable cause
Revocation of vehicle licence (public safety)		Cases where referral for determination required	Cases where immediate effect required
Application for operator's licence			All cases
Application for operator's licence, with relevant convictions		All cases where referral for determination required	
Suspension of operator's licence (public safety)		All cases where referral for determination required	
Revocation of operator's licence (public safety)		Cases where referral for determination required	Cases where immediate effect required
Assistance dogs in taxis: exemption certificate request forms			All cases
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.			All cases

Appendix B – Relevance of Convictions Policy

GLoucestershire Licensing Authorities – Taxi and Private Hire Convictions Policy

INFORMATION FOR APPLICANTS AND EXISTING LICENCE HOLDERS

1. This policy is intended to provide guidance on determining suitability of new applicants and existing licence holders where the applicant or licence holder has been convicted of a criminal or driving offence.
2. The policy lists the types of offences that may give concern to the Licensing Authority. For the more serious offences the expectation is that an application will be refused or an existing licence holder will have their licence revoked. For other offences the policy gives the timescales that it is expected will have elapsed since the conviction before an application will be granted.
3. The Policy states that each case will be treated on its own merits. Where an applicant or Licence Holder has an offence listed in this policy it will not necessarily mean an automatic barring or revocation. However, the applicant or licence holder can expect that their application or licence will be put before a Licensing Sub-Committee for consideration who will take account of this policy. The obligation will be on the applicant or licence holder to put forward reasons and/or evidence in support of their case for the Licensing Sub-Committee to consider.
4. If an application is refused or a licence is revoked the applicant or licence holder will have right of appeal to the Magistrate's Court. The application to the Magistrates Court should be made within 21 days of the applicant or licence holder being notified by the Licensing Authority of the decision to refuse or revoke.
5. Where a licence holder is convicted of an offence where the Licensing Authority believes that the safety of the public may be at immediate risk, the licence may be suspended/revoked with immediate effect. The licence holder will have right of appeal to the Magistrates Court against a suspension issued with immediate effect however they may **not** use the licence until any decision is made by the Court.
6. Existing licence holders that have been granted licences previous to this policy coming into effect may have convictions on their record that fall within the timescales within this policy. The Licensing Authority will have made decisions on those licences based on policies in place at the time where the timescales may have been lesser or those offences not included. It is not reasonable that those licences should be automatically be revoked. The Licensing Authority will review all existing licences in light of this policy and where the Licensing Authority has concerns about a particular licence holder and/or there are further offences, breaches or complaint, the licence holder may be reviewed by a Licensing Sub-Committee who will take into account all matters including any previous offences that may now fall within this current policy. In particular, serious account will be taken of any history of safeguarding matters. Where appropriate, existing licence holders may be requested to apply for a new enhanced DBS certificate in order that the Council can review historic offences in line with this policy.

OVERVIEW

7. The function of licensing is the protection of the public. A member of the public stepping into a motor vehicle driven by a stranger must have the confidence that the driver is safe and suitable.
8. Taxi legislation provides that any person must satisfy the authority that they are a fit and proper person to hold a licence. If a licence holder falls short of the fit and proper standard at any time, the licence should be revoked or not renewed on application to do so.
9. These guidelines apply to all new applications for a taxi or private hire driver licence and all licensed taxi and private hire drivers.
10. In addition, where relevant, they will also be applied to taxi and private hire vehicle licence applicants and licence holders, and private hire operator licence applicants and licence holders. Where such applicants and licence holders are not applying for, or already hold a taxi or private hire driver licence they will be required to provide a basic criminal conviction checks on application and then at regular intervals. The Licensing Authority will take account of any current criminal convictions showing on the basic criminal conviction check, or criminal conviction received, in accordance with this policy.
11. Taxi legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is 'fit and proper' to hold a taxi or private hire vehicle licence.
12. This policy is based on the Statutory Taxi and Private Hire Vehicle Standards issued by the Department of Transport in July 2020, Annex - Assessment of Previous Convictions. <https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>
- 13. The Licensing Authority will consider each case on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application.**
14. In each case appropriate weight should be given to the evidence provided. This will include assessing the risk of re-offending and harm.
15. The Licensing Authority will be looking at the entirety of the individual when making the decision whether an applicant or licence holder is a safe and suitable person. Time periods are relevant and weighty considerations, but they are not the only determining factor. Other factors that the Licensing Authority will take into account when making a decision include but are not exhaustively:
 - Relevance and date of the offence
 - Sentence imposed by the court
 - Age of person and circumstances when the offence was committed
 - Subsequent periods of good behaviour
 - Overall conviction history
 - Any history of complaints made to the Licensing Authority against an existing licence holder. Unproven complaints may in some circumstances be taken into account if it is considered that there is a strong likelihood that the complaints are justified and the nature and/or number of complaints raise concern regarding suitability of applicant
 - Whether the applicant has intentionally misled the Licensing Authority or has lied as part of the application process
 - Information provided by other agencies or other services at the Licensing Authority. This may include information disclosed by the Police or Safeguarding Services
 - Any other matters that are relevant

16. Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime.
17. A caution is regarded in exactly the same way as a conviction.
18. Fixed penalties and community resolutions will also be considered in the same way as a conviction.
19. Hackney carriage and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means that there are no “spent” convictions and that any and all criminal convictions (apart from “protected convictions” and “protected cautions” where they have been declared) can be taken into account by the local authority in assessing safety and suitability, but only relevant spent convictions should be considered
20. Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. This places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.
21. It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the licensing authority. In addition, complaints where there was no police involvement will also be considered.
22. Within this document, any reference to “conviction” will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.
23. In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the licensing authority to decide what action to take in the light of these guidelines.
24. Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors.
25. In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.
26. It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The licensing authority has powers to take action against the holder of all types of licence (driver’s, vehicle and operator’s) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.
27. Any dishonesty by any applicant or other person on the applicant’s behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked and may result in prosecution.

28. Where an applicant/licensee is convicted of an offence which is not detailed in this guidance, the licensing authority will take that conviction into account and use these guidelines as an indication of the approach that should be taken.
29. These guidelines do not replace the duty of the licensing authority to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person.
30. Where a situation is not covered by these guidelines, the authority must consider the matter from first principles and determine the fitness and propriety of the individual.

OFFENCES

Crimes resulting in death

31. Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury (where there was an intention or strong likelihood of death) of another person they will not be licensed. A licence holder who is convicted of the above will have their licence revoked.

Exploitation

32. Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional, financial abuse, domestic abuse, harassment and stalking but this is not an exhaustive list.

Offences involving violence against the person

33. Licensed drivers have close regular contact with the public who could be at risk from violent behaviour. Drivers are often entrusted with the care of children, young persons and vulnerable adults. The Licensing Authority seeks to protect the safety of the public and minimise risk.
34. Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed. A licence holder convicted of the above will have their licence revoked

Examples of Violent offences include (this is not an exhaustive list)

- a. Arson
- b. Malicious wounding or grievous bodily harm
- c. Actual bodily harm
- d. Grievous bodily harm with intent
- e. Robbery
- f. Riot
- g. Assault Police
- h. Any racially aggravated assault
- i. Violent disorder
- j. Resisting arrest
- k. Common assault/battery
- l. Affray
- m. Obstruction

Possession of a weapon

35. Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed. A licence holder convicted of the above will have their licence revoked

Sexual offences

36. As licensed drivers often carry unaccompanied and vulnerable passengers, the Licensing Authority will take a strong line in relation to applicants or existing licence holders with convictions for sexual offences. All sexual and indecency offences should be considered as serious.
37. Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted. A licence holder convicted of the above will have their licence revoked
38. In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list. A licence holder who goes on any of the above will have their licence revoked
39. Sexual/Indecency Offences include (this is not an exhaustive list)
- a. Rape
 - b. Assault by penetration
 - c. Offences involving children or vulnerable adults
 - d. Trafficking, sexual abuse against children and / or vulnerable adults and preparatory offences (as defined within the Sexual Offences Act 2003).
 - e. Making or distributing obscene material
 - f. Possession of indecent photographs depicting child pornography.
 - g. Sexual assault
 - h. Indecent assault
 - i. Exploitation of prostitution
 - j. Soliciting (kerb crawling)
 - k. Making obscene / indecent telephone calls
 - l. Indecent exposure
 - m. Any similar offences (including attempted or conspiracy to commit) offences
40. Any licence holder charged with, convicted or issued with a formal caution for any of the offences mentioned above should expect to have their licence revoked with immediate effect.

Dishonesty

41. Drivers of hackney carriage and private hire vehicles are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare and in other ways. In certain situations, drivers will know that a property is empty whilst the occupants are away on holiday for a set period of time after taking them to the airport or railway station. For these reasons convictions of dishonesty are treated very seriously

42. Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed. A licence holder convicted of any of the above will have their licence revoked
43. Dishonesty offence includes (this is not an exhaustive list)
- a. Theft
 - b. Burglary
 - c. Fraud
 - d. Benefit fraud
 - e. Handling or receiving stolen goods
 - f. Forgery
 - g. Conspiracy to defraud
 - h. Obtaining money or property by deception
 - i. Other deception
 - j. Any similar offence

Drugs

44. Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.
45. Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs. A licence holder convicted of the above will have their licence revoked

Discrimination

46. Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed. A licence holder convicted of the above will have their licence revoked
47. Examples of Discrimination offences include (this is not exhaustive list)
- a. Racially aggravated common assault
 - b. Any racially-aggravated offence against a person or property.
 - c. Any offences (including attempted or conspiracy to commit offences) that are similar to those above.
 - d. Offences under Equality Act 2010
 - e. Any offence considered as hate crime. Hate crime is any criminal offence which is perceived by the victim, or anybody else, to be motivated by hostility or prejudice towards someone's: race, religion, sexual orientation, transgender identity, disability.

Motoring convictions

48. Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.
49. For the purposes of this policy a minor traffic offence is one where the DVLA has imposed no more than 3 penalty points on the applicant's DVLA driving licence for the offence. A major conviction is one where the DVLA has imposed more than 3 penalty points on the applicant's DVLA driving licence for the offence. There is more information about endorsement codes and penalty points on the Government's website. <https://www.gov.uk/penalty-points-endorsements/endorsement-codes-and-penalty-points>
50. For the purposes of this policy, a 'valid' traffic offence is the same definition as used by the DVLA. Points that stay on a DVLA licence for 4 years are 'valid' for 3 years. Points that stay on a DVLA driving licence for 11 years they are 'valid' for 10 years. There is more information on the Government's website <https://www.gov.uk/penalty-points-endorsements/how-long-endorsements-stay-on-your-driving-licence>
51. Where an applicant has more than one minor traffic offence a licence would be refused whilst the relevant points remain 'valid' on their driving licence.
52. Where an applicant has a major conviction the application will be refused whilst the relevant points remain 'valid' on their driving licence.
53. Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the Licensing Authority considers that the licensee remains a fit and proper person to retain a licence.
54. Where there is a second occurrence of a minor traffic offence, whilst the first minor traffic offence is valid, or a single occurrence of a major traffic offence of up to 6 points, a licence holder can agree to complete a driving assessment, at their own expense, through an approved provider, as an alternative to a review/revocation of their licence by a Licensing Sub-Committee
55. Where a licence holder has more than 6 valid penalty points for driving offences their licence will be revoked.

Drink driving/driving under the influence of drugs

56. Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs. A licence holder convicted of the above will have their licence revoked

Using a hand-held device whilst driving

57. Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later. A licence holder convicted of the above will have their licence revoked.

58. Where the offence is dealt with as driving offence and penalty points have been imposed on a DVLA licence, the licence will not be granted until at least four years have passed. This is the length of time these points remain current of the DVLA licence. A licence holder who has had penalty points imposed on their DVLA licence for using a held-hand mobile telephone or a hand-held device, will have their licence revoked.

Hackney Carriage and Private Hire Offences

59. Where an applicant has any offences under any relevant hackney carriage or private hire legislation a licence will not be granted until at least 7 years have elapsed since the conviction. A licence holder convicted of the above will have their licence revoked

Appendix C - Enforcement and Complaints Policy & Procedure

Enforcement

This policy takes a risk based proportionate, targeted and flexible approach to inspection and enforcement and where appropriate will work with external agencies such as the Police.

When a potential breach or offence is identified Licensing Officers will investigate the matter.

If it is in relation to a licensed vehicle the licence holder may be requested to bring in the vehicle for an inspection by a Licensing Officer or to take the vehicle to an MOT approved garage for a full inspection.

If it is in relation to a licensed driver or operator the licence holder may be requested to attend an interview. If the licence holder is suspected of a criminal offence or an offence under Hackney Carriage law the interview may be carried out under caution in accordance with the Police and Criminal Evidence Act 1984 (PACE) codes of practice.

Complaints by the Public

The public are able to make complaints to the licensing service about licensed drivers and operators. This could include such issues as offensive comments by a driver, unsafe driving, failure or lateness of attending bookings and refusal to take guide dogs.

Licensing Officers will normally ask the complainant to put their complaint in writing or by email giving details of the nature of the complaint with date, time and location if relevant.

All such complaints will be recorded and investigated and the licence holder notified. Licensing Officers may request the licence holder to attend an interview in order determine the facts. If the licence holder is suspected of a criminal offence or an offence under Hackney Carriage law that interview may be carried out under caution in accordance with the Police and Criminal Evidence Act 1984 (PACE) codes of practice.

Some complaints such as those alleging a serious criminal offence, traffic offence, violence or verbal abuse may be referred to the Police.

Actions that may be Taken Following Enforcement or Complaint

When deciding what action to take the Licensing Officers will consider each case on its own merits and will consider all relevant matters including:

- Seriousness of the offence, breach or complaint
- Any history of previous offences, breaches and/or complaints
- Consequences of non-compliance
- Effectiveness of any action
- Danger to the public
- In the case of an unproven allegation the seriousness of the allegation and the likelihood and risk of danger to the public

Action	Examples (but not an exhaustive list)
Take no action	<ul style="list-style-type: none"> • Breach, offence or complaint is proven to be false. • Matter is minor or unproven and there is no previous history •
Verbal or written advice for example recommendation to re-take driver assessment test	<ul style="list-style-type: none"> • Matter is minor and/or due to misunderstanding by the licence holder
Verbal or written warning	<ul style="list-style-type: none"> • Complaint made by the public • Minor traffic offence • Contravention of the code of conduct or dress code
Fixed penalty notice	<ul style="list-style-type: none"> • Smoking offences in a licensed vehicle
Immediate suspension or revocation of licence	<ul style="list-style-type: none"> • Suspension of vehicle (S 68) issued when on inspection of a vehicle Officers believe that it has a defect or is potentially unsafe for passengers or the meter is defective • Suspension of driver licence (s 61 (2B) if in interest of public safety for example failing a medical, safeguarding or serious criminal allegations • Suspension of driver licence (s 61) if driver fails to provide relevant documentation by expiry e.g. DBS/Medical
Suspension of licence – 21 days notice	<ul style="list-style-type: none"> • Suspension of a vehicle licence (s60) for failure to have a Council Vehicle Inspection or provide relevant document or visual condition of vehicle is not satisfactory
Simple caution issued by authorised officer	<ul style="list-style-type: none"> • A licence holder admits to committing a less serious offence and the issuing of such a caution is likely to reduce re-offending
Review of the licence by the Licensing Sub-Committee	<ul style="list-style-type: none"> • A licence holder receives criminal conviction, police caution, major motoring offence, safeguarding concern or serious complaint or allegation • A licence holder has a history of complaints and/or offences. In the case of complaints by the public these complaints could be unproven if there is previous history of such complaints or a likelihood that the complaint is justified and the public could be at risk • A licence holder that had received more than 3 warnings from Officers for breaches of conditions, policy or legislation within a 12 month period • A licensed driver who has accumulated more than 6 current points on their driving licence • Any matter where a possible outcome is the revocation of the licence
Prosecution	<ul style="list-style-type: none"> • Using an unlicensed vehicle • Unlicensed driver driving a licensed vehicle • Unlicensed operator • Driving without valid insurance • Refusing to carry a guide dog • Exceeding the number of passengers on the plate

Review of the Licence by the Licensing Sub-Committee

The licence holder will be invited to a Licensing Sub-Committee meeting. The licence holder will be given reasonable notice of the meeting. However if the licence holder does not attend without reasonable cause the panel may undertake the review in his/her absence. The licence holder may bring another person with them to the review to support or represent them or they may wish to put comments in writing for the panel to consider. After considering all the facts the panel may take any action they feel appropriate. Below is a list of possible actions.

- No action
- Oral or written warning
- Requirement to take action within a time period for example recommendation to take an anger management course, safeguarding or disability awareness training, speed awareness course or driving assessment
- Suspend the licence until an action or requirement has been met
- Suspend the licence for a period of time as a deterrent to ensure future compliance
- Revoke the licence
- Recommend a simple caution
- Recommend prosecution

Right of Appeal

A licence holder has a right of appeal to the Magistrates Court for any decision by the Council to refuse, suspend or revoke a driver, vehicle licence or operator licence or against any conditions added to a licence. This appeal must be made within 21 days of the notification of the Council's decision.

There is an exception to the above right of appeal in the case of a decision to refuse to grant a Hackney Carriage vehicle licence. In this case the right of appeal is to the Crown Court.

There is no right of appeal against an immediate suspension of a vehicle licence (s68).

Appendix D - 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 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 manufacturer 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 E - 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 F: 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.



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 6 December 2016

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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 with prior written notification being supplied to the Council. Use of CCTV 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.

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

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 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.

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

- Any conviction for a major traffic 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

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