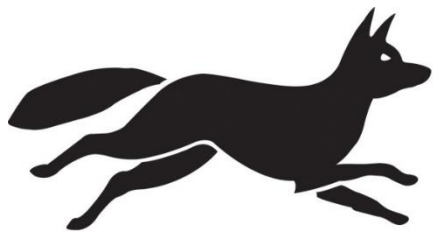


Hackney Carriage and Private Hire Licensing Policy



Charnwood



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1.0 Introduction

Charnwood Borough Council (The Council) is responsible for the regulation and administration of the Hackney Carriage and Private Hire trades licensed by the Council.

The Council recognises the important role that Hackney Carriages and Private Hire vehicles play in enabling people to travel safely around the Borough, whilst playing a visible role in portraying the image of Charnwood.

Whilst customers expect safety, when using Charnwood licensed vehicles, it is also beneficial to ensure that customer experiences are positive as this will help the industry and the local economy thrive.

This Policy is concerned with the application of powers exercised by The Council , in respect of hackney carriages and private hire vehicles, conferred principally by the Local Government Miscellaneous Provisions) Act 1976, as amended and other relevant legislation.

In developing this policy we have also taken into consideration;

- The Council's licensing objectives
- The Office of Fair Trading "The Regulation of Licensed Taxi and PHV Services in the UK" 2003
- Guidance on the Rehabilitation of Offenders Act 1974 – March 2014
- Disclosure & Barring Service Information Note on Rehabilitation of Offenders Act 1974 and Police Act 1997 Orders - 2013
- Regulators' Code 2014
- The Department for Transport "Taxi and Private Hire Vehicle Licensing: Best Practice Guidance" March 2010
- Charnwood Borough Council – Regulatory Services Enforcement Policy http://www.charnwood.gov.uk/pages/regulatory_service
- Charnwood Borough Council – What to expect from Charnwood Regulatory Services http://www.charnwood.gov.uk/pages/regulatory_service
- Immigration Act 2016
- Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades – April 2018
- The Department for Transport 'Statutory Taxi and Private Hire Vehicle Standards' – July 2020
- Transport Act 1980
- Transport Act 1985
- Transport Act 2000
- Road Safety Act 2006

- Equality Act 2010
- Deregulation Act 2015
- Policing and Crime Act 2017

This Policy sets out the requirements and standards that must be met. In exercising its discretion in carrying out its regulatory functions; the Council will have regard to this Policy document. However, each application or enforcement action will be considered on its own merits.

1.1 Licensing Aims and Objectives

The principle purpose of hackney carriage and private hire licensing is to protect the public and promote public safety. In setting out its Policy, the Council seeks to promote the following objectives;

- Protection of the safety of the public, safeguarding children and the vulnerable
- The health and safety of the drivers
- Protection of the environment
- Access to an efficient and effective transport service
- Provide and maintain a professional and respected hackney carriage and private hire trade, by continued monitoring and improvement of their required standards of service

When considering each of the requirements detailed in this document, the Council has tried to ensure that each requirement is proportionate to the risk it seeks to address, balancing the cost of the requirement against the benefit to the public. The principle is that the costs of implementation should be commensurate with the benefits of the policy.

1.2 Best Practice Guidance

In formulating this Policy, advice contained in the “Taxi and Private Hire Vehicle Licensing Best Practice Guidance February 2010” and the “Statutory Taxi & Private Hire Vehicle Standards July 2020” issued by the Department for Transport has been taken into account.

The “Statutory Taxi & Private Hire Vehicle Standards” replaces relevant sections of the Best Practic Guidance issued by the Department in 2010. Where there is a conflict between the two documents, the Standards take precedent.

1.3 Implementation

This Policy has been amended in May 2021 for the introduction of the DfT “Statutory Taxi & Private Hire Vehicle Standards” and will be reviewed after five years. Interim revisions will be considered where appropriate.

1.4 Licensing Profile

At the time of review there are licences for 156 hackney carriages, 62 private hire vehicles and 27 private hire operators. There are 286 Combined Drivers .

The Council introduced the combined badge for all drivers in 2017. Prior to this change drivers could either have a hackney, private hire or dual badge. The Combined badge for all hackney and private hire drivers allow them to drive either type of licensed vehicle and removed individual hackney and private hire driver badges. This reduced the cost for a number of drivers, whilst allowing more flexibility for drivers and companies with a mixed fleet of licensed vehicles.

1.5 Departure from the Policy

In exercising its discretion in carrying out its regulatory functions the Council will have regard to this Policy document and the objectives.

Each application or enforcement measure will be considered on its own merits and where appropriate in accordance with the Enforcement, Convictions Scheme and Penalty Points Policy.

1.6 Consideration of Applications

The Council will consider all applications on their own merits once it is satisfied that the appropriate criteria have been met and the application form and supporting documents are complete. For drivers and Operators the Enforcement, Convictions Scheme and Penalty Points Policy at Section 5 will be applied as part of the application process.

All applicants are expected to act with honesty and integrity throughout the application process, and must therefore fully and accurately disclose any information that is requested and or relevant. This includes information regarding previous convictions, warnings and reprimands, current investigations and pending criminal proceedings.

1.7 Enforcement Measures

It is recognised that well-directed enforcement activity by the Council benefits not only the public but also the responsible members of the hackney carriage and private hire vehicle trade.

In pursuing its objective to encourage responsible hackney carriage and private hire businesses, the Council will take action appropriate with the Councils Enforcement, Convictions Scheme and Penalty Points Policy.

In order to ensure compliance with the Council's Hackney Carriage and Private Hire Licensing Policy and to monitor licence holders ability to fulfil the 'fit and

proper' test, an Enforcement, Convictions Scheme and Penalty Points Policy will be utilised. The scheme, as described in Section 5 will serve both as an early warning system to licence holders who fail to meet the Council's required standards and as a consistent and transparent method of enforcement.

1.8 National Register of Taxi Licence Refusals and Revocations (NR3)

The licensing authority provides information 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 Vehicle (PHV) licence revoked, or an application for one refused. This is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the licensing authority – that is, assessing whether an individual is a fit and proper person to hold a hackney carriage or PHV 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 licence or 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 applying for/being granted, a hackney carriage / PHV driver licence

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 of or 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. It is not intended that any NR3 data will be transferred out of the United Kingdom.

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.

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 at <https://ico.org.uk/>

1.9 Delegated Powers

All Officers of the Council, duly authorised under the Council's Scheme of Delegation, are responsible for the day to day operation of the Council's Hackney Carriage and Private Hire Vehicle Licensing Policy and enforcement of conditions made under the Policy.

1.10 Whistleblowing (confidential reporting code)

Licensed drivers should feel confident to report issues to their operator or the Licensing Section which may be contrary to the law whilst protecting their identity. Advice can be found at ; <https://www.gov.uk/whistleblowing>

1.11 Fees

Under the Council's Constitution the Licensing Committee are responsible for all the Council's licensing functions which are not the responsibility of the Executive. The Head of Regulatory Services has delegated power to undertake the periodic review of fees and charges raised within his/her service area and falling within the scope of the Council's Income and Charging Policy Framework (Constitution, section 8.2) but if on consultation, there are objections, can refer these matters to the appropriate committee, the Licensing Committee, to make a final decision.

The fees are reviewed at the start of each calendar year and if necessary, confirmed by the Licensing Committee, ahead of the start of each financial year i.e. 1st April. The Licensing Committee, however, can review the fees at any time.

The Council would follow the appropriate procedures detailed in the Local Government (Miscellaneous Provisions) Act 1976 in respect of consultation and advertisement of any variation in the fees.

1.12 Equal Opportunities

The applicant and licence holders must treat everybody equally. This means that you must not let a person's age, sex, marital status, disability, race, religion or sexuality affect the way that you treat them.

1.13 Change in Policy/Conditions

The Council may add or amend any Licence Condition.

Any applicant or licence holder must, comply with any new or amended condition within 21 days of being given notice of it by the Council or any longer time stated by the Council.

Drivers

Drivers

2.1 Licences

Drivers of Hackney Carriages should have a copy of the relevant Byelaws and also be aware of the provisions of the Town Police Clauses Act 1847 (as amended) and the Local Government (Miscellaneous Provisions) Act 1976, all of which contain provisions which, if breached, can result in prosecution or the suspension or revocation of the licence.

Drivers of Private Hire Vehicle must be aware of the Local Government (Miscellaneous Provisions) Act 1976 which contains provisions which, if breached, can result in prosecution or the suspension or revocation of the licence.

Information submitted as part of the application process or received during the lifetime of the licence will be shared, when applicable, with other Council Departments and external statutory bodies e.g. Police, HM Customs & Excise.

S 46 of the Town Police Clauses Act 1847, states that no person shall act as a driver of any hackney carriage without first obtaining a licence. Case law has also stated that a private hire vehicle is always a private hire vehicle until the licence expires. Therefore, only drivers licensed by Charnwood Borough Council are allowed to drive vehicles licensed by the Council, even though the vehicle may be insured for social, domestic and pleasure use.

2.2 Fit and Proper Person

The Council shall not grant a licence unless they are satisfied that the applicant is a fit and proper person, to drive a hackney carriage or private hire vehicle, and that person must then remain a fit and proper person for the duration of that licence. The fitness and propriety of a driver will be monitored and assessed throughout the period that the licence is held.

An individual will not be considered fit and proper to hold a licence if there is any evidence of dishonesty, and/or it can be shown that an applicant or existing licence holder has misled, or attempted to mislead, the Council (either Officers or Members of the Licensing Committee) as part of any process associated with the administration or determination of a licence.

Fit & Proper Person Test

The Council considers that licensed drivers are in a position of trust, and therefore the Council must ensure that applicants / licence holders are and remain fit and proper to hold a licence. This requirement is contained within Sections 51 and 59 of The Local Government (Miscellaneous Provisions) Act 1976 (Part II).

In order to assess the suitability of an applicant (and to inform decision makers when answering the question above), the Licensing Authority will undertake whatever checks and apply whatever processes it considers necessary to ensure that licences are not issued to, or used by, unsuitable people. In assessing the suitability of an applicant or licence holder, the Council will take into consideration (but not limited to) the following factors:

- Criminality
- Period of holding a driver's licence
- DVLA Licence and any endorsements
- Right to Licence
- Medical fitness
- Standard of driving / driving ability
- General conduct / standards of behaviour (including online behaviour)
- The conduct of the applicant in making the application (e.g. whether they have acted with honesty and integrity during the application process).
- The previous licensing history of existing / former licence holders (including Honesty, integrity and the reasons for any entry on the NR3 Register).
- Theoretical knowledge of issues and matters related to the work of a licensed driver.
- Immigration Status of the applicant
- Harm Test - a person satisfies the 'Harm Test' if they may harm a child or vulnerable adult or put them at risk of harm. Or it is something a person may do to cause harm or pose a risk of harm to a child of a vulnerable adult.

In addition the Council will also consider further information sources such as the Police (use of Police Common Law Disclosure (which replaced the Notifiable Occupation Scheme, in March 2015), Children and Adult Safeguarding Boards, other Licensing Authorities, the National Register of Taxi Licence Refusals and Revocations (NR3) and statutory agencies.

2.3 Age and Experience

Drivers must;

- Have a minimum of one year of holding either a full driving licence issued in the UK, the European Community (EC) or one of the other countries in the European Economic Area (EEA).
- The drivers DVLA/EEA licence must meet the criteria of the Enforcement, Convictions Scheme and Penalty Points Policy at Section 5.
- If using an EEA licence, the length of time it has been held will be taken in account but the driver must change their EEA licence to that of a UK licence within 12 months of their application, to ensure the necessary licence checks can be carried out. The driver must produce their original DVLA UK licence to the Licensing Section for a copy to be taken. Failure to provide

may result in suspension of their licence or a renewal application being refused.

- The driver must have a **VALID** DVLA photo card driving licence (if appropriate) at all times.
- Provide proof that they have a statutory right to work in the UK and any applicant that has a limited right to work shall not be issued a driver licence for a period longer than that limited period.

2.4 Dress Code

It is recognised that the taxi trade, both Hackney Carriage and Private Hire, play an important role in portraying a positive image of Charnwood. A reasonable standard of dress code should be maintained. All clothing worn by the driver should be appropriate, clean and in good condition.

2.5 Driver Conduct

Drivers must have regard to any written code of conduct that might be issued by the Council.

Drivers must be professional, polite, show courtesy and be respectful towards all members of the public, including fellow drivers, operators and Council Staff. Discriminatory behaviour will not be tolerated.

Drivers are issued with two licence badges. One of these badges must be worn at all times they are working as a licensed driver; the other badge must be displayed on the dashboard of the licensed vehicle in the holder supplied

A licence will not be issued until the appropriate fee is paid. If payment for a licence does not clear and a licence has been issued, then this will result in suspension of the licence until payment is received. Failure to make a successful payment may be considered poor conduct, which is appropriate to be dealt with separately.

Smoking is not permitted in any licensed vehicle at any time. It is also an offence contrary to the Health Act 2006 for which the Council is the enforcing authority. Drivers must not smoke in a licensed vehicle at any time, even when not working, or allow their passengers to do so. If observed or reported to Licensing, you may be at risk of receiving a Fixed Penalty Notice and Penalty Points against your Hackney Carriage/Private Hire Drivers Licence.

Drivers must not use an e-cigarette or similar while inside a licensed vehicle. If observed or reported to Licensing, you may be at risk of Penalty Points against your Hackney Carriage/Private Hire Drivers Licence.

No hackney carriage shall be left unattended on a rank.

When arriving at a rank, drivers should place their vehicle at the front of the stand or immediately behind any vehicle already at the stand. Hackney Carriage drivers must respect rank etiquette. Attention is drawn to points 8 to 16 inclusive of The Council Byelaws that are available on the Licensing Pages of the Council Web Site.

Transporting

Drivers must not carry more people in the Vehicle than is specified on the Vehicle Licence/plate.

When working, drivers cannot allow any other person or animals, other than those travelling with the hirer, to travel in the Vehicle. Where there is more than one hirer (shared taxi/PHV) the hirers must agree to the joint use of the vehicle.

It is the responsibility of the driver of the vehicle to ensure that all passengers are using the seat belts in accordance with the law.

Advance Bookings

Drivers must not arrive at pre-arranged pick up points more than 5 minutes late unless something unavoidable has happened to delay or prevent them from reaching the pick-up point. Drivers must contact the hirer or operator to inform them of a late arrival i.e. more than 5 minutes.

Destination

Drivers must take the shortest route to the destination or, after discussing the matter with the passenger, the quickest, available route. Except in cases where a fixed fare has been agreed beforehand.

Lost Property

If any property has been left in the Vehicle it must, unless it is claimed by the passenger who lost it, as soon as possible, and in any event within **24 hours**, be handed in to the nearest Police Station.

Receipts

The driver must provide written receipt to a passenger if requested.

Fares

The driver has to comply with the requirements of this Policy in respect of fares for their vehicle, whether it is a hackney carriage or private hire vehicle.

Licence Plates

The driver must ensure that both the internal licence plate and the external plates are clearly displayed, so that they can be easily seen.

Changes of driver details

If you change your name and/or address you must inform the Council in writing on the appropriate form, and return your licence to the Council within 10 working days of such a change.

Authorised Officers

A licence must be produced at the request of an Authorised Officer or Police Officer. If the driver does not have their licence available when requested it must be produced to the Licensing Section of The Council within 10 working days.

Operation of these conditions

Breaches of these conditions will be subject to the **Enforcement, Convictions and Penalty Points Policy**; however the Council reserves the right to take any appropriate regulatory action in addition to or instead of the penalty Points system.

Convictions

For applicants and existing drivers the **Enforcement, Convictions Scheme and Penalty Points Policy** at Section 5 will be applied as part of the application process or for incidents occurring within the life of the licence.

An applicant or existing driver must declare any convictions, (including spent convictions, and motoring convictions), Simple Cautions, arrests, ongoing investigations and/or notices of intended prosecutions.

Licence holders are required to notify the Licensing section, **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. All other offences must be declared to the Licensing Section at least within 10 working days of the offence.

Failure to declare any of this information within the required 48 hours (an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence) or at least within the 10 working days for other offences, will be relevant to the drivers conduct and could lead to revocation, suspension or refusal.

A driver issued with a fixed penalty notice by the police or an authorised officer of the council, including offences of littering or smoking, he/she must inform the

Licensing Section immediately or at least within **10 working days** of accepting the offer of a fixed penalty.

Licensed drivers are obliged to notify the Council within **48 hours** of any criminal convictions.

Drivers must notify the Council **within 48 hours** if they are subject to an investigation for any offence other than a minor motoring offence.

Drivers who are disqualified from driving by any court of law must immediately surrender their Licence and Badges to the Council.

If a driver receives notification through the post of an offence, after being caught on camera, then they must inform the Licensing Section within 10 working days of accepting guilt for the offence.

With regard to the situations described above, the driver must bring the DVLA licence (with any covering letter from Swansea or the postmarked envelope), into the Council for copying, within 10 working days after being returned to them from Swansea. In this case the Council know that an offence has happened and that points may be added to the licence. Details can then be recorded on the Driver's record that they have informed the Council and they can provide a DVLA check Code to the Licensing Section (please note this code is only valid for 21 days) for the DVLA licence to be checked. This therefore complies with the Council's Conditions for Private Hire/ Hackney Carriage Drivers.

If a driver contests the allegation in Court, and is subsequently convicted, and his/her licence endorsed, the 10 working day period to allow for notification would commence on the date of conviction. Clearly if he/she is acquitted, no offence has been committed.

2.6 Application Procedure – New Driver

Before completing the application process for a new driver licence, the applicant will need to complete the following requirements;

- Complete and pass the knowledge Test
- Submit application form and pay relevant fee
- Practical Driving Test
- Group 2 Standard Medical Assessment
- Disclosure and Barring Service (DBS) Disclosure - Enhanced
- Certificate of Good Conduct (where appropriate)
- Safeguarding Awareness Training
- Right to Licence
- DVLA Mandate

Advice on how to apply for a New Driver application procedure can be obtained from the Licensing section by emailing licensing@charnwood.gov.uk or telephoning 01509 634562 (via contact centre)

A description of each requirement can be found below;

2.7 Driver Knowledge Test

In order to determine fitness to hold a licence, applicants for a driver's licence are required to pass a knowledge test. The purpose of this test is to make sure that all applicants have a satisfactory knowledge of the Borough of Charnwood and surrounding areas, places of public interest and entertainment, major destinations such as hospitals, supermarkets etc. and the routes to nearby villages. You will also be tested on your knowledge of the Council's licensing conditions, together with customer care basic numeracy, and the ability to read, understand and write English. This test will be a mixture of oral and written.

New applicants are required to pass the knowledge test prior to submitting an application form.

Applicants will need to make payment for a test at time of booking to ensure their place. **There is no refund for non-attendance or cancellation with less than 24 hours' notice.**

Should an applicant have a disability and require reasonable adjustments, they are asked to make Licensing aware when booking the test. Where an applicant has requested reasonable adjustments, the adjustment made must be relative to the applicant's disability.

Each applicant has three opportunities to pass the paper. Should you not pass after three attempts you will be required to wait at least 12 months (from the date of the most recent failure) before being permitted to re-take the Knowledge Test.

Once an applicant passes the Knowledge Test they will receive a pass certificate, valid for 2 years from the date of the test.

2.8 Practical Driving Test

All new drivers **MUST** take and pass a practical driving test, specifically for private hire and hackney carriage drivers.

A pass certificate will be deemed acceptable for 12 months from the date of the test.

A practical driving test certificate, previously taken with the Council's approved provider, will be acceptable, if dated within the last 12 months.

The aim of the hackney carriage and private hire assessment is to provide a high level of credibility with customers, by providing an assurance of a minimum standard of quality, whilst helping to promote the hackney carriage/private hire as a safe, reliable mode of transport.

Details of the current provider(s), recognised as suitable, to the satisfaction of the Head of Regulatory Services and the Licensing Manager, are listed within Section 6 of this Policy.

2.9 Medical Assessment

The Council recognises that licensed drivers should have more stringent medical standards than those applicable to normal car drivers because they carry members of the 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. Therefore, an appropriate standard for licensed Hackney Carriage and Private Hire drivers is a Group 2 Standards of Medical Fitness as applied by the DVLA, to the licensing of lorry and bus drivers

A medical examination is required on the first licence application and then every 3 years from when first licensed and annually after the age of 65.

Applicant's and current drivers are to undergo medicals with their own GP or can approach any medical practice they choose as long the GP they see, has sight of a summary of their medical records. They must obtain their medical summary from the surgery they are registered with (this can take up to 40 days) before approaching another GP. If not the applicants/drivers own GP, the other GP must view that medical summary before completing the Councils medical form and signing to say they have done so.

The applicant will be responsible for paying any fee required for their medical summary to be provided and the fee for the examination to the relevant surgery and for ensuring all sections of the medical form are completed in full by their GP.

The medical certificate can be posted into the Council along with your application and accompanying documents. Any changes to the Medical Form made by your GP must be signed and dated by the GP. Such certification must be less than **three months old**.

Holders of a Public Service Vehicle (PSV) and / or Large Goods Vehicle (LGV) Licence, where the holder is able to produce proof of a current medical examination less than 3 months old, which has been completed with their own doctor, is acceptable (should he/she wish to use the same medical examination for his hackney carriage/private hire licence).

Licence holders must provide written notice to the Licensing Authority of any deterioration or other change in their health that may affect their driving

capabilities. Such notice **MUST** be given in writing, as soon as practical, from the moment that the person becomes aware of the deterioration.

Where there is any doubt as to the medical fitness of the applicant, the Council may require the applicant to undergo further medical examination, at the drivers own expense.

No licence shall be issued until medical clearance has been established.

2.9.1 Insulin Treated Diabetes

For drivers with Diabetes, or insulin treatment, additional information listed below may be required;

You are reminded that a licensed driver is responsible for informing the licensing section of any changes to their health, which includes diabetes. The Group Two Medical form currently asks if a driver is treated with tablets carrying hypoglycaemia risk or insulin injections. **If the answer to either of those questions is yes the driver needs to;**

If diagnosed as requiring treatment **by injected insulin or tablets, carrying hypoglycaemia risk**, the driver will need to inform the Council as soon as possible and provide **written** confirmation (in addition to this medical report) from their Doctor or Diabetic Nurse/Consultant of;

- the date of being diagnosed;
- that there has not been any severe hypoglycaemic event in the previous 12 months (the law defines 'severe 'as an episode of hypoglycaemia requiring the assistance of another person);
- the driver has **full** hypoglycaemic awareness;
- the driver must show adequate control of the condition by regular blood glucose monitoring(must use a glucose meter with sufficient memory to store 3 months of readings), at least twice daily and at times relevant to driving ;
- the driver must demonstrate an understanding of the risks of hypoglycaemia and.;
- there are no other declaring complications of diabetes.

Licensees diagnosed as requiring treatment by insulin, or tablets carrying hypoglycaemia risk, will be required to submit to the Licensing Authority on an **annual basis** the following;

A medical report/letter from their doctor or Diabetic Nurse/Consultant confirming;

- (a) that during the preceding 12 months the licensee has not suffered a hypoglycaemic episode requiring assistance whilst driving ;and
- (b) the licensee has a history of responsible diabetic control, and is at minimal risk of a hypoglycaemic attack.

2.10 Assistance Dogs

Under the Equality Act 2010, licensed drivers are under a legal duty to carry guide, hearing and other prescribed assistance dogs in their vehicles, and allow it to remain under the physical control of the owner without additional charge. It is best practice to ask the passenger where they want themselves and their dog to sit in the vehicle.

Drivers, who have a relevant medical condition, may apply to the Council for an exemption from these duties on medical grounds and must provide written evidence from their GP. If an application is successful, they will be issued with an exemption certificate, and a notice of exemption. The notice of exemption must be exhibited in the vehicle by fixing it, facing outwards, either on the windscreen or in a prominent position on the dashboard.

Under the Equality Act 2010, it is an offence for any operator or driver to refuse to carry assistance dogs or charge more for the fare or booking.

2.11 Disclosure & Barring Service (DBS) Disclosures

A criminal record check of a driver is an essential safety measure in assessing whether or not an applicant is suitable to hold a licence.

An **Enhanced** Disclosure provided by the DBS, requesting information on barred lists for both children and vulnerable adults is required by all applicants, whether new or renewal. These disclosures include details of live and spent convictions, Police cautions and other relevant information that indicates whether a person poses a risk to public safety.

In the interests of public safety, Charnwood will not issue a licence to any individual that appears on either barred list.

If a new applicant or existing driver's licence is refused or revoked as the individual is thought to present a risk of harm to a child or vulnerable adult, this is to be referred to the Disclosure and Barring Service (DBS). The power for the licensing authority to make a referral in this context arises from the undertaking of a safeguarding role.

The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (the "Exceptions Order") does not apply to applicants for hackney carriage and private hire driver licences. All drivers **MUST** disclose on their application form all convictions, including those that would normally be regarded as spent.

You can contact Personnel Checks to complete your Enhanced DBS Application.

Personnel Checks is an approved umbrella body which has been authorised by Charnwood Borough Council to carry out the DBS application process at this time. In the future they will also carry out DVLA Mandate checks. They will guide

all applicants to obtain the necessary proofs and checks to enable them to apply online.

To apply for your DBS, you need to type the link below into your computer search bar

<https://www.personnelchecks.co.uk/taxis/taxiprivate-hire-driver-dbs-checks/> or alternatively contact the Licensing section for the link to be emailed to you.

If you have questions in relation to the DBS application process only, please contact Personnel Checks directly. Their email address is hello@taxiplus.co.uk. Payment is direct to Personnel Checks.

You can also register for the DBS Update Service once you have received your DBS Certificate within **30 days of receipt**. We recommend you register as soon as possible.

You are reminded that it is a requirement of your licence conditions that you **MUST** register with the DBS Update Service. Failure to do so will result in you having to apply for a further DBS Certificate at your own expense.

All applicants requiring a DBS check shall be responsible for the costs of obtaining the DBS certificate. Any such cost will be non-refundable once the DBS application has been submitted.

Before an application for the grant of a new drivers licence will be considered the applicant must provide a current, original (less than 3 months old) Enhanced DBS Disclosure Certificate, issued specifically for Charnwood Borough Council. Charnwood Borough Council will accept an original Enhanced DBS Disclosure Certificate obtained through another registered body (for example, Leicester City Council) if it is less than 3 months old and has been processed in relation to the child and adult workforce employment position (as specified on the disclosure).

All new applicants must declare on the application form any convictions, cautions or fixed penalty notices they have received. All licence holders shall notify the Council of any warnings, convictions, cautions and fixed penalty notices received during their licence period. Failure to inform the Council of these matters during the licensing period may result in suspension or revocation of the licence.

A licence will not be granted or renewed in the absence of a current Enhanced Disclosure Barring Service Disclosure Certificate or the ability to check through the DBS Update Service.

DBS update Service

It is a condition upon the grant of a new licence that **all** drivers are required to subscribe to the DBS update service.

It is a condition of licence that all existing drivers on renewing their DBS after the introduction of this Policy in April 2020, are required to subscribe to the DBS update service.

All new and renewing Drivers **MUST** enrol on the DBS update service **within 30 days** of the date of their disclosure certificate.

The licence may be suspended or not renewed unless the licensing section has the means of checking for criminal activity – convicted or otherwise.

All licensed drivers are required to maintain continuous registration with the DBS update service to enable the licensing authority to routinely check for new information every 6 months. Drivers that do not subscribe to the update service will still be subject to a check every 6 months.

2.12 Certificate of Good Conduct (residency outside the UK)

Because of the potential lifetime relevance for some of the most serious offences mentioned in this Policy, the Council will need to ensure that sufficient background checks are conducted for those applicants that have lived overseas. This is in addition to the Enhanced DBS requirement.

Any driver who has lived abroad will be required to provide a Certificate of Good Conduct from the embassy of every country where they have lived other than the UK (after the age of 10 years old) which must be no older than 3 months at time of presentation. The Certificate of Good Conduct must be translated into English at the applicants own cost.

A licence will not be granted or renewed in the absence of a current Certificate of Good Conduct.

Where a person has spent three months or more, on active service, or any similar deployments abroad as a member of the British Armed Forces, then they will be exempt from the requirement to provide a Certificate of Good Conduct but will require a reference from a commanding officer authorised to provide the same.

If an existing driver has spent three continuous months (or more) living or on holiday overseas, the Council will need to see evidence of a criminal record check from the country / countries visited, covering the period that the applicant was overseas.

2.13 Safeguarding Awareness Training

Every driver **must** undergo Safeguarding Vulnerable Passenger Training before a licence is issued.

Further information and details of the current 'Safeguarding eLearning Course' provider, recognised as suitable, to the satisfaction of the Head of Regulatory Services and the Licensing Manager, and the link by which to access the course is available on the licensing pages of the Councils website.

The course aims to provide Taxi and Private Hire drivers with a knowledge and understanding of Safeguarding, their responsibilities and best practice protocols. The candidate will be able to;

- Understand what is meant by the term 'Safeguarding'.
- Identify adults at risk and other vulnerable people.
- Understand what is meant by Child Sexual and Criminal Exploitation, Human Trafficking, Modern Slavery and Domestic Abuse.
- Recognise types of abuse, associated signs and indicators.
- Identify suspicious activities.
- Know how, and the whom, they can report concerns.
- Understand their safeguarding responsibilities and best practice protocols.

Where an applicant, has undertaken a similar safeguarding awareness training course, written details must be provided of the course, along with written confirmation of attendance. The Head of Regulatory Services and the Licensing Manager will consider the contents of both courses and whether the completed course is an acceptable alternative.

No licence will be issued without attending the course and satisfactorily passing the test.

2.14 A 'Right to a licence' in the UK.

Under **the Immigration Act 2016**, the Council require all applicants to demonstrate that they have the right to work in the UK and are not subject to a condition preventing them from, carrying on work as a licensed driver. This means that someone is not disqualified by their immigration status from holding an operator or Private Hire/Hackney driver licence.

No license will be granted or accepted, until the applicant is able to prove they have a right to licence in the UK.

An applicant can do this in one of two ways:

1) by providing their 'share code' to enable the Licensing Authority to carry out a check using the Home Office online right to work checking service (see details below); or

2) by providing a document or document combination that is stipulated as being suitable for this check. The list of documents is set out at https://www.charnwood.gov.uk/pages/home_office_right_to_work_documents.

These must be **original documents** which will be required to be checked within the applicant's presence. Photocopies; scanned documents and faxes for example are not acceptable.

Proof of a 'right to licence' in the UK must be provided when an application is made in respect of new applicants. In respect of renewal applicants, proof should be provided on every application, if they have previously provided documents from List B (Group 1 or Group 2).

A copy of the relevant page(s) of the documents provided will be retained in a format which cannot subsequently be altered, for example a photocopy or a scanned document. In the case of a passport or other travel document, the following parts must be photocopied or scanned:-

- the document's front cover and any page containing the holder's personal details.
- any page will be copied that provides details of nationality, his or her photograph, date of birth, signature, date of expiry or biometric details, and any page containing UK Government endorsements indicating that the holder has an entitlement to be in the UK and is entitled to undertake the work in question.

Other documents will be copied in their entirety.

Failure to comply with 'Right to Licence'

An application for the first grant of either a private hire operator or hackney carriage/ private hire driver licence will not be accepted if the applicant fails to provide evidence of their Right to Licence in the UK.

Any renewal applicant who fails to comply with the requirement to prove their Right to Licence in the UK will be refused a private hire operator licence or private hire or hackney Carriage driver licence.

If an applicant produces documentation from **List B (Group 1 or Group 2)** to prove their Right to Licence in the UK, upon expiry of this document, if during the term of the Private Hire or Hackney Carriage licence, they are required to produce further documentation showing their ability to continue working.

A letter reminding the licence holder that their hackney carriage/private hire drivers licence is due to expire, due to the expiry date of his/her Right to Licence documents will be sent 2 months prior to the expiration date. Failure to produce evidence of Right to Licence will lead to the revocation of their licence and/or badge with immediate effect.

Reporting of illegal workers to the relevant authorities

If the Council has any concerns that an applicant has been working in the UK illegally then this information will be reported to the Home Office, Border and Immigration Agency and UK Border Agency.

Where an applicant is subject to immigration controls, a licence will not be issued for longer than the period that the applicant has permission to undertake paid employment in the United Kingdom.

2.15 DVLA Licence

To be able to obtain a Licence you need to provide a full driving licence (not a provisional licence) which authorises you to drive a motor car when you first apply. This full licence needs to have been held for a minimum of 12 months. A check will be carried out on your DVLA Licence.

- The applicant must provide a DVLA summary code on their submitted application form. This can be done by clicking on the following link; <https://www.gov.uk/view-driving-licence>
- This code is only valid for 21 days from when obtained and allows the DVLA licence and any endorsements to be checked on line.

In addition to the above, please be aware that if you are using an EEA licence, the length of time it has been held will be taken in account but you must change the EEA licence to that of a UK licence within 12 months of your application, to ensure the necessary licence checks can be carried out.

The driver must produce their original DVLA UK licence to the Licensing Officer/Assistants on collection of their combined drivers badge/licence for a copy to be taken. Failure to provide this may result in suspension of their licence or a new/renewal application being refused.

The driver must have a VALID DVLA photo licence at all times (If appropriate). If the photo card is due to expire during the lifetime of the 3 year hackney carriage/private hire licence, the licence will not be issued longer than the expiry date of the DVLA photo card.

2.16 Relevance of Convictions and Cautions

In relation to the consideration of convictions and cautions recorded against new applicants, the Council will use the Enforcement, Convictions Scheme and Penalty Points Policy set out in Section 5 of this policy.

2.16.1 Convictions during period of Licence

It is important, in the interests of consistency and transparency that a procedure should be in place to consider, where offences resulting in conviction are committed by licensed drivers, what effect this could have on their hackney carriage or private hire driver's licence.

Combined Driver Licence holders are required to notify the Licensing section, **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 during the period covered by their existing licence. Combined Driver licence holders, who are convicted of any, caution, criminal or motoring offence (including endorsements) during the period covered by their existing licence, must disclose the conviction and the penalty involved, to the Council **immediately** or at least **within 10 working days of the conviction**. For these purposes, any offence resulting in the acceptance of a fixed penalty notice will be considered to be a conviction.

Licensed drivers are obliged to notify the Council without delay of any criminal convictions.

Drivers must notify the Council without delay if they are subject to an investigation for any offence other than a minor motoring offence.

For drivers the Enforcement, Convictions Scheme and Penalty Points Policy at Section 5 will be applied as part of the application process or for incidents occurring within the life of the licence.

2.17 Refusal to Grant

A partial refund may be made at the Licensing Authority's discretion should the licence application be refused or where the application is withdrawn. Any refund request must be made in writing to The Licensing Manager, Licensing Section, Charnwood Borough Council, Southfield Road, Loughborough LE11 2TX.

Hackney Carriage and Private Hire Vehicles

Hackney Carriage and Private Hire Vehicles

3.1 Specifications and Conditions

Licensing Authorities have a wide range of discretion over the types of vehicle that they can licence as hackney carriages or private hire vehicles.

The Best Practice Guidance suggests that local Licensing Authorities should adopt the principle of specifying as many different types of vehicle as possible. They are, however, encouraged to make use of the “type approval” rules within any specifications they determine.

The Council is empowered to impose such conditions, as it considers reasonably necessary, in relation to the grant of a hackney carriage or private hire vehicle licence. Hackney carriages and private hire vehicles provide a necessary service to the public. Therefore, it is appropriate to set standards for the external and internal condition of the vehicle, provided that the standards are reasonable and proportionate.

It is the vehicle licence holder or operator who is responsible for complying with these conditions unless otherwise stated in a condition.

These conditions will apply to all vehicles licensed as Hackney Carriages or Private hire vehicles and where appropriate subject to extra conditions for exempt (executive) hire and stretch limousines.

Where conditions are subject to interpretation the decision of the Licensing Enforcement Officer/ Licensing Manager will be final and will be confirmed in writing and thereafter form part of the conditions for the vehicle concerned.

3.2 Vehicle Proprietors

As with driver licensing, the objective of vehicle licensing is to protect the public, who trust that the vehicles dispatched are above all safe. It is important therefore that licensing authorities are assured that those granted a vehicle licence also pose no threat to the public and have no links to serious criminal activity. Although vehicle proprietors may not have direct contact with passengers, they are still entrusted to ensure that vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the licensing regime.

Enhanced DBS and barred lists checks are not available for licensing.

Charnwood Borough Council require a vehicle proprietor, who is **not** already a licensed driver, to provide a Basic DBS Disclosure annually. A basic DBS certificate will disclose any unspent convictions.

3.3 Vehicle Requirements

The vehicle must comply in all respects with Road Vehicles (Construction and Use) Regulations 1986 (as amended) and the Road Vehicles Lighting Regulations 1989 (as amended) and any other legislation relating to the construction or use of passenger vehicles.

All vehicles must meet M1 Category standards (vehicles designed and constructed for the carriage of passengers and comprising no more than 8 seats in addition to the driver's seat)

All vehicles must be right hand driver and have a minimum of 4 doors. Vehicles should be capable of carrying a minimum of four average sized adults in comfort.

Vehicles can be licensed up to 8 passengers.

All seats within the licensed vehicles must be either forward or rear facing and shall be fitted with a 3-point belt or lap belt for use by each passenger. Stretch limousines may have side facing seats but must meet the seat belt condition.

Tyres must conform to the current EC or BS standard for tyres. (this includes remoulds and re-treads)

The arrangements for storing luggage must not obstruct the use of any exit from the vehicle or be likely to cause injury to a passenger.

There must be sufficient means for passengers and drivers to communicate.

The maximum vertical height acceptable between the road and first step or floor of vehicle is 300 mm. Step/steps must be provided to vehicles where this measurement is exceeded. If a fixed step is fitted to the vehicle and is capable of being extended beyond the bodyline, it must be designed, or have a warning device fitted, so the vehicle cannot be driven away with the step extended.

3.4 Identification of vehicles as Private Hire Vehicles or Hackney Carriages

The Council requires Hackney Carriages and Private Hire vehicles to clearly indicate to the public that they are licensed vehicles. Therefore, they must be clearly distinguishable from other vehicles and each other. The Council believes that clear signage can achieve this.

The Council has set standards on the acceptable type of signage for Private Hire Vehicles and Hackney Carriages, which include;

- the permitted position of licence plates
- positioning of permanent door signs for vehicles
- required wording for door signs on vehicles
- requirements for the display of notices in vehicles
- other notices/markings that the Council will require licensed vehicles to display

3.5 Signage and Advertising

‘Signage’ is defined as all signage on the vehicle that is not for commercial advertising i.e. commercial advertising is for goods or services of another organisation.’

No signage is permitted in any window(s) except that used to advise that smoking is not allowed in the vehicle and that food and drink is not to be eaten.

No external or internal signs (other than those required by law or permitted advertising) shall be displayed other than as set out below.

No magnetic signs are acceptable.

Magnetic signs may be allowed on a temporary lease car licensed by Charnwood Borough Council provided that the Council has given prior written approval.

The use of magnetic door signs will be permitted on Exempt vehicles.

3.6 Private Hire Vehicles

To eliminate confusion that a private hire is hailed in the street as a Hackney, a private hire vehicle should not display the word ‘TAXI’ other than as part of a company name and in the plural, i.e. ‘TAXIS.’

A self-adhesive door sign provided by the Council shall be displayed on BOTH rear doors or rear panels (above the wheel arch) of the vehicle. The sign shall incorporate the Council name and logo, plate number of the vehicle and the words ‘ADVANCE BOOKINGS ONLY – PRIVATE HIRE’.

Signage may be displayed in the car to advise that smoking is not allowed in the vehicle and that food and drink is not to be eaten.

A notice is to be displayed in every vehicle giving details of the Licensing Office, to which a customer may make a complaint about a vehicle and/or driver.

3.7 Hackney Carriage Vehicles

A self-adhesive door sign provided by the Council shall be displayed on BOTH the rear doors or rear panels (above the wheel arch) of the vehicle. The sign shall incorporate the Council name and logo and plate number of the vehicle.

Hackney Carriage vehicles MUST be fitted with a roof sign at all times. The sign shall not be illuminated when the taximeter is brought into operation.

Signage may be displayed in the car to advise that smoking is not allowed in the vehicle and that food and drink is not to be eaten.

A notice is to be displayed in every vehicle giving details of the Licensing Office, to which a customer may make a complaint about a vehicle and/or driver.

3.8 Livery

The Council will not approve for licensing as a private hire vehicle, any vehicle whose appearance will lead any person to believe it is a hackney carriage.

3.9 Commercial Advertising

Advertising of a commercial nature is permitted on both hackney carriages and private hire vehicles.

No commercial advertising is permitted on windows.

Advertisements must comply with the guidelines issued by the Advertising Standards Agency.

Advertisements of the following nature will NOT be permitted:

- Alcohol or any associated product
- Tobacco products of any description
- Religion
- Political
- Controversial
- Bad taste

Any commercial advertising must not obscure, obliterate or be confused with the signage required by the Council.

3.10 Accessibility

The Council is committed to social inclusion and ensuring a wide variety of opportunities is available to disabled residents to enjoy a high quality of life. The provisions of the Equality Act 2010 will apply to vehicles, drivers and Licensing Authority.

3.10.1 Designated Vehicle List

Section 167 allows licensing authorities to maintain a list of '**designated vehicles**' which is a list of wheelchair accessible vehicles (WAV) Hackney Carriages and Private Hire Vehicles licensed in their area. The minimum requirement for the vehicle to be on this list is that it is able to carry the wheelchair user whilst seated in their wheelchair.

From April 2017, drivers of hackney carriage and private hire vehicles designated by the local licensing authority as being wheelchair accessible must comply with the requirements of **Section 165** of the **Equality Act 2010**, unless they have been issued with an exemption certificate.

Section 165 places duties on drivers of designated wheelchair accessible hackney carriages and private hires. These duties are:

- To carry the passenger while in the wheelchair
- Not to make any additional charge for doing so
- If the passenger chooses to sit in a passenger seat to carry the wheelchair
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort.
- To give the passenger such mobility assistance as is reasonably required.

Mobility Assistance is defined as assistance;

- To enable the passenger to get into or out of the vehicle
- If the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair
- To load the passengers luggage into or out of the vehicle
- If the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

A driver of a designated hackney carriage vehicle or designated private hire vehicle commits an offence by failing to comply with a duty imposed on the driver by this section.

Drivers who, for medical reasons are unable to accept wheelchair passengers are able to apply to the Council for an exemption certificate. Such a certificate will only be issued on production of medical evidence as proof that they cannot comply with the Equality Act 2010. Exemption certificates, which show the

photograph of the driver, must be displayed in the vehicle at all times the driver is working.

3.11 Maximum Age of Vehicles

Any vehicle over 6 years old (from the date of first registration) which is presented for a certificate of compliance test, annual or interim, and fails that test, will not be allowed to be re-tested.

The vehicle examiner conducting the test has the discretion to pass or fail any such vehicle, submitted for a certificate of compliance test. The Council relies on the abilities of the authorised garages and testers.

Any owner/driver who wishes to resubmit the vehicle for test must do so as a new vehicle (annual) and pay the appropriate licence fee. The vehicle must pass first time to be allowed back on the road. This scenario would be repeated at the time of each annual or interim compliance certificate test, at which a vehicle over 6 years old is presented.

This is to ensure the vehicles are maintained in the best possible condition and promotes public safety within the Borough.

3.12 Environmental Considerations

Vehicle licensing policies can and should support local environmental initiatives by, perhaps, setting vehicle emissions standards or promoting cleaner fuels.

LPG conversions to vehicles are acceptable but must meet all other vehicle licence conditions.

Evidence must be produced at the time of licensing to show that an LPG conversion has been carried out by an agent approved by the manufacturer or in the case of LPG conversions, the fitting agent is approved by the LPG association.

Electric and hybrid vehicles are acceptable but must meet all other vehicle conditions.

3.12.1 Clean Air Zones (CAZ's)

A Clean Air Zone (CAZ) is an area in which a local authority has brought measures into place to improve the air quality.

To implement these schemes, local authorities may need to differentiate between taxis/PHVs and private vehicles. This is because in some cases local authorities will implement CAZs that apply charges to taxis and PHVs and not to private vehicles, or they may wish to set a different level of charge for these vehicles. Licensing authorities only hold information on taxis and PHVs licensed within their

own area so are not able to clearly identify and charge a taxi/PHV entering or moving around their charging CAZ which has been licensed by another authority (also known as 'out of area vehicles'). If local authorities cannot identify all out of area vehicles then this would undermine their ability to effectively operate CAZs where charging of these vehicles has been determined to be necessary.

The Air Quality (Taxi and Private Hire Vehicles Database) Regulation 2019 requires all licensing authorities in England and Wales to submit certain information about their licensed taxis/PHVs to the database.

Since the introduction of The Air Quality (Taxis and Private Hire Vehicles Database) (England and Wales) Regulations 2019, the Council is required to provide vehicle data to Defra following all issues, renewals, suspensions or refusals of licences. The data shared will include vehicle registration mark, start and end date of license, whether Taxi or PHV, licence plate number, and whether the vehicle is wheelchair accessible.

3.13 Testing and Examination of Vehicles

Vehicles must be tested in accordance with the Hackney Carriage and Private Hire Licensing Policy

Vehicles must have a current compliance test certificate and be maintained in a condition that would enable them to pass a test at any time. Vehicles may also require testing at the direction of a Licensing Enforcement Officer.

A vehicle must initially pass a Certificate of Compliance test (annual) and a further Certificate of Compliance test (interim) must be produced every six months as part of the Councils vehicle test requirements.

Under normal circumstances all the vehicles the Council licence would require an MOT as provided under section 47 of the Road Traffic Act 1988. Under the Exemption of Motor (Test) Regulations 1981, the Council has applied for an exemption for those vehicles licensed to exempt them to hold an MOT, if the vehicles have been issued with a Certificate of Compliance. This in turn provides a power direct to the Local Authority to test the vehicle. The Certificate of Compliance which is then issued under sections 47 and 48 of the Local Government Miscellaneous Provisions Act 1976 Act.

If licence holders wish to obtain an MOT separate to that of the Certificate of Compliance they may do so. It is worth noting that a Certificate of Compliance will not show your vehicle as having a valid MOT on the national recognised database.

If the vehicle licence is suspended at any time, the compliance test certificate becomes **VOID** and an **ordinary MOT certificate** would be required.

A satisfactory Certificate of Compliance test, from an inspection carried out by a current approved Council's nominated garage (s), MUST be produced for all vehicles.

An updated list of the current approved Council garages can be obtained via the Licensing Section of the Council or via the relevant page on the Council's web site.

A Certificate of Compliance, pass certificate, from an inspection carried out at a current approved Council's garage(s) must be produced for all vehicles prior to submitting an application for the respective licence(s) and must be produced annually as part of the application process.

The licence of any vehicle which fails its inspection requirements (annual or interim) may be suspended until such time as the vehicle has been re-examined and the necessary pass certificate obtained.

This is to ensure the vehicles are maintained in the best possible condition and promotes public safety within the Borough.

Any Authorised Officer or Police Officer can, at any reasonable time, inspect the Vehicle and test a Vehicle for its fitness or test a Taximeter (Hackney Carriages) or Meter (Private Hire Vehicles).

An Authorised Officer or Police Officer has the power to suspend the Vehicle Licence until this has been done and they are satisfied that the Vehicle or the Taximeter or Meter meet these conditions.

You are reminded that if vehicle fails to meet the necessary standards within two months of the suspension, the licence is deemed to be revoked.

If a vehicle is presented for test within 28 days of the previous test having expired it will, for the purpose of this policy's penalty points system, be treated as a licensed vehicle.

3.14 Examiners

Mechanics who wish to test licensed hackney carriage and private hire vehicles at a current approved garage(s) are required to obtain a restricted hackney carriage/private hire drivers licence (examiners) badge. A tester will need to request a 'restricted' hackney carriage/private hire drivers (examiners)' application pack from the Licensing Section by contacting 01509 634562 or by emailing licensing@charnwood.gov.uk

3. 15 Vehicle Maintenance

The vehicle shall be maintained in a safe mechanical and structural condition at the manufacturer's service intervals such that it is capable of

satisfying these conditions at any time during the continuance of the vehicle's licence.

The interior and exterior of the vehicle must be kept clean, in good order and repair, and in every way fit and safe for public use.

The exterior of the vehicle shall be free of large dents, rust or unrepaired accident damage and shall at all times have uniform paintwork equivalent to that applied by the manufacturer. The seats shall be required to function in accordance with the original manufacturer's specification.

3.16 Accidents/Damage to Vehicle

Public safety is paramount. All vehicles involved in an accident, will be required to notify the Council of an accident or damage to a licensed vehicle, **within 72 hours of the accident.**

The Licensing Authority may undertake its own programme of inspections between formal vehicle tests, e.g. where notified of an accident. Where an Officer is unsure as to a vehicle's compliance or vehicles fitness, the vehicle will be referred to a current approved Council garage(s) for a formal assessment.

Where the testing requirements are not met, the Council may either agree a period of time for rectification(warning notice) and re-inspection, or suspend the vehicle until rectification and re-inspection has occurred. The test will be at the owner's expense.

3.17 Vehicle Equipment

The vehicle shall carry the following equipment:

- The manufactures original design of equipment for dealing with punctured tyres must be kept on the vehicle and maintained in a usable condition.
- A vehicle must be fitted with a fire extinguisher, either dry powder or CO2 with a dial indicator, with a minimum capacity of 1 litre. The fire extinguisher shall be indelibly marked with the registration number or the plate number of the vehicle. Fitted in such a position to be readily available for use.

3.18 Vehicle Licence Plates

The licence plates when issued by the Council shall be securely fixed to the front and rear of the vehicle using the bracket supplied by the Council. All licence plates shall be fitted so that they are clearly visible to public view at all times. Any vehicle where a bracket cannot be used must obtain written

permission for this from the Council and carry this letter within the vehicle to present at vehicle tests. Extender kits are available from the Council.

The internal licence plate supplied by the Council shall be displayed in the top near side corner of the front windscreen, visible to all passengers.

The proprietor/operator or driver of the vehicle shall not negligently or wilfully cause or suffer any licence plate to be concealed from public view or allow the licence plate to be defaced, whilst the vehicle licence is in force.

All plates, signs, etc. remain the property of the Council and must be surrendered to an Authorised Officer upon request following suspension of a vehicle, when the licence is surrendered or the licence has expired.

3.18.1 Dual Plating

The Council **will not grant** a hackney carriage or private hire vehicle licence for any vehicle already licensed by another Licensing Authority.

3.19 Meters

Authorised Meter Installers

The Council approves the use of two meter installers, details of which can be obtained by contacting the licensing section.

Meters

All hackney carriages are required to be fitted with a taximeter installed by a Council approved taximeter installer.

The taximeter fitted in a Hackney Carriage will be sealed and calendar controlled to the current tariff as set by the Council.

Private hire vehicles, that have a meter fitted, will ensure that they are sealed and calendar controlled, and set to the current tariff set by the vehicle's private hire operator.

The meter/taximeter and the operating devices must be sealed by the installer and certificated to confirm that the equipment is Council compliant.

Seals must be intact at any time that the vehicle carries a licence plate, except when at an approved installers premise.

Hackney Carriages

All Hackney Carriages must have a working taximeter fitted that meets the requirements of the Hackney Carriage and Private Hire Licensing Policy.

The original certificate issued by the installer must be provided to the Licensing Section on grant of the vehicle licence or at tariff change.

The driver of a vehicle provided with a taximeter as aforesaid shall:-

- ensure that no fare is recorded on the face of the taximeter prior to the commencement of any hiring;
- shall ensure the dial of the taximeter remains properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1972 and also at any other time at the request of the hirer.

A copy of the Council's current tariff shall be clearly displayed in the vehicle where it can easily be seen by passengers.

If the vehicle is also operating as a private hire vehicle under a private hire operator it must clearly display that operator's current fare chart.

Private Hire Vehicles

A private hire vehicle, if fitted with a meter, must have a meter that meets the requirements of the Hackney Carriage and Private Hire Licensing Policy.

The original certificate issued by the installer must be provided to the Licensing Section on grant of the vehicle licence or at tariff change.

The driver of a vehicle provided with a meter as aforesaid shall:-

- ensure that no fare is recorded on the face of the meter prior to the commencement of any hiring;
- cause the dial of the meter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1972 and also at any other time at the request of the hirer.

A copy of the Operators current fare chart shall be clearly displayed in the vehicle if the vehicle has a meter fitted.

For private hire vehicles without meters, the passenger cannot be charged more than the charge agreed between the passenger and operator before the vehicle was hired. If the charge is calculated from a fare/tariff, a current fare table must be displayed where it can easily be seen by passengers.

3.20 Taxi Checks

Taxi checks are to be carried out a number of times, within a 12 month period, by the Council's Licensing Section to check vehicle/driver compliance and to ensure vehicle safety, between 6 monthly compliance tests.

These checks will be either mobile or in three hour slots and be carried out with partner agencies, such as the Police and DVSA.

When a licensed vehicle fails the check requirements with a DVSA (Categorisation of Defects Part 2: Passenger Cars, Private Buses and Light Goods Vehicles) "I" immediate prohibition or "D" delayed prohibition it will be automatically suspended from the time of issue until such time as the vehicle has been re-examined and the necessary pass certificates obtained.

3.21 Security/CCTV

The hackney carriage and private hire trade provide a valuable public service, especially late at night when other forms of public transport are no longer available. Security for drivers and passengers is of paramount importance. CCTV cameras can be a valuable deterrent as well as protecting the driver from unjustified complaints.

Video surveillance systems are permitted to be fitted to the vehicle provided that:-

- The owner or operator notifies the council within 10 working days of the fitment of the system including details in writing as to the security, disposal and retention of the images recorded by the system.
- A warning notice is clearly displayed informing the public that such a system is in operation.

It is not proposed that measures such as CCTV cameras should be required as part of the licensing regime, as it is considered that they are best left to the judgement of the owners and drivers themselves. However installation of CCTV cameras in vehicles on a voluntary basis will require the operator to handle relevant data gathered in an appropriate and secure manner.

3.22 Replacement (Lease) Vehicles

Replacement vehicles must not be older than the vehicle it replaces and should have the same capabilities regarding wheelchair accessibility, i.e. a wheelchair accessible vehicle can only be replaced by another wheelchair accessible vehicle.

The temporary hackney carriage/private hire vehicle is required to be tested by a current approved garage(s) and an application for a temporary vehicle licence must be submitted to the Licensing Authority.

Magnetic signs may be allowed on a temporary lease car licensed by Charnwood Borough Council provided that the Council has given prior written approval.

The original plates must be returned to the Council.

Only drivers licensed by Charnwood Borough Council are permitted to drive vehicles licensed by this council.

3.23 Insurance

It is required that an **original** insurance document(s) must be shown **each** time a vehicle licence is issued (grant and renewal). Certificates of insurance (and listing of vehicles) will be accepted by email, sent directly from the insurance company. The insurance certificate/cover note will not be accepted if there is less than 7 days to its expiry.

This requires:

- A valid certificate of insurance or cover note confirming that insurance is in place for each driver of the vehicle and specifying use as either a Hackney Carriage or Private Hire Vehicle.
- A Hackney Carriage vehicle requires insurance to cover public hire and hire and reward.
- A Private Hire vehicle requires insurance to cover hire and reward.
- The Council will not accept an insurance policy for a private hire vehicle that states or implies the vehicle is insured for public hire.
- A cover note will be accepted and the licence will be issued on the understanding that a certificate of insurance will be produced at the earliest opportunity and before the cover note expires.
- If a larger company with 'an all vehicle certificate of insurance', the Council will require an up to date accompanying schedule directly from the Insurance company, listing all vehicles by vehicle registration, make and model and the type of licensed vehicle, i.e. Hackney or private hire.

3.24 Exempt Vehicles (Executive)

The Council recognises that there is a market for hiring vehicles to customers who would not want that vehicle to be readily identified as a

Private Hire Vehicle. To exempt the vehicle from the usual plating conditions it must comply with the council's guidance and apply for an exemption.

The only vehicles allowed to be covered under this exemption policy will be 'executive type vehicles' *

(*the dictionary definition of "executive" is "designed for, used by, or suitable for executives.")

The vehicle will be in pristine condition with no visible defects, dents or blemishes to the external bodywork or internal trim and seating.

A driver of an exempted vehicle will dress appropriately, either in uniform or in formal dress.

The type of work undertaken must be 'executive' in nature and under a contract for the hire of the vehicle for a **period of not less than 24 hours**. The vehicle identified in the written contract is to be used specifically for the company or person, type of client(s) who for security or personal safety reasons would not want the vehicle to be identifiable.

The Certificate of Exemption refers only to the vehicle identified in the certificate.

On applying for a Private Hire (Vehicle) Exemption the proprietor/operator of the vehicle must submit an 'application for exemption' and supply a copy of the contract supplied by the customer, requesting that the vehicle be unidentifiable as a licensed private hire vehicle, giving the reasons why.

An application for exemption with accompanying and current contract(s) must be submitted when the vehicle is first listed as exempt (licensed) and annually on each renewal of the vehicle licence and plate.

The Certificate of Exemption will remain valid for 1 year from the issue of the plate.

Records of hire must be produced when the vehicle license is applied for or at renewal.

The front and rear plate and Certificate of Exemption should be carried at all times in the vehicle, along with the plate brackets, and door signs.

The exempted vehicle will carry no identifying feature of any kind (company name, telephone number, etc.) which may identify the vehicle as a licensed Private Hire vehicle.

The exempt vehicle will only be exempt for the period it is being used to carry out the 'contracted work', e.g. for the company or individual identified in the contract /letter. For example if the vehicle is used for work outside of the written exempt

contract, i.e. airport runs, the vehicle must display relevant livery, e.g. licence plates and signage.

The use of magnetic signs door signs will be permitted on exempt vehicles.

Failure to adhere to any of the Conditions will result in the vehicle exemption being **withdrawn**.

Charnwood Borough Council Licensing Section **must** be notified of any changes (including cancellation) to the contract or additional contracts gained during the lifetime of the exemption certificate.

Any exemption will be at the discretion of the Council.

3.25 Stretched Limousines

Stretched limousines are elongated saloon cars that have been increasingly used for mainstream private hire work. The number of stretched limousines being imported, particularly from the United States, has been increasing. Their use generally includes all private hire work plus special occasions. Stretched limousines can be licensed for private hire work providing they carry no more than eight passengers and meet the requirements of the Act.

These requirements only apply to 'stretch limousines' i.e. a saloon type vehicle that has undergone an increase in length by extending its wheelbase after manufacture and can seat at least 6 but not more than 8 passengers

In accordance with the Best Practice Guidance, all applications to licence stretched limousines as private hire vehicles will be treated on their own merits and be approved for licensing as private hire vehicles subject to meeting all private hire licence requirements.

Vehicles with this license are exempt from certain of the licence and signage requirements. They may carry the front door Private Hire Signage, Signage or advertising for the rear window and/or additional signage on the front and/or rear doors of the "name" of the vehicle. They may choose to carry no signage, which would require an application for 'exempt' vehicle status.

Only stretched limousines complying with the requirements below will be considered for licensing as a private hire vehicle.

The vehicle must not be over 5 years old on first application for licensing.

DVLA V5 or equivalent shall be produced to authenticate registration.

Vehicles may be either left or right hand drive providing that they have proof of full Vehicle Type Approval.

The VIN plate shall display '1L1' to confirm conversion completed by an authorised dealer.

The vehicle must have a minimum of 4 doors. They must be of sufficient size to allow easy access and egress to seats for passengers. This should not require the passenger to use a static tip up seat mechanism. Where the vehicle is fitted with continuous seats, one person shall be counted for each complete length of 41 centimetres (16 inches).

A plate on the door pillar shall confirm the total weight of the vehicle.

Tyres fitted to the vehicle must be either 235/75R-15 108S (BF Load) OR 225/70R-16107T Town Car Limo Tyre (Reinforced) or other such tyres as deemed suitable by an independent engineer for this application.

No intoxicating liquor shall be provided in the vehicle unless there is in force an appropriate licence permitting the sale or supply of the same.

3.26 Funeral Vehicles

There is no requirement for a vehicle to be licensed where it is being used in connection with a funeral, or is being wholly or mainly used by a person carrying on the business of a Funeral Director for the purpose of funerals.

3.27 Wedding Vehicles

A vehicle does not need to be licensed while it is being used solely in connection with a wedding.

3.28 Wheelchair Accessible Vehicles

Any vehicle that is capable of conveying a wheelchair user seated shall be:-

- Equipped with ramps or other equipment to permit wheelchair users safe access and egress from the vehicle.
- Equipment not permanently fixed to the vehicle shall be legibly and indelibly marked with their safe working load and the license number of the vehicle.
- Adequate means shall be provided to secure the equipment in position when loading/unloading a wheelchair or wheelchair user. Suitable provision must be made to securely stow ramps once the vehicle is in motion.

- Provided with suitable restraining devices to enable a wheelchair user to be safely and securely transported and to comply with legal standards.
- Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle shall be thoroughly examined and tested at least once in every period of 6 months and a copy of the current test certificate kept on the vehicle.

3.29 Convictions

Drivers holding a licence who commits an offence or breach these licence conditions or certain of the vehicle licence conditions will be subject to the Councils Penalty Points scheme. New applicants for a licence will also be considered against the Enforcement, Convictions Scheme and Penalty Points Policy.

The driver/proprietor/operator of the vehicle must disclose in writing, full details of any conviction, Simple Caution, motoring offence and/or fixed penalty notice recorded against them within 10 working days of receiving any such action.

Licence holders are required to notify the Licensing section, **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.

3.30 Change of Address

Any proprietor/operator must notify the Council in writing, of any change in their name or address within **10 working days** of any such change taking place.

3.31 Transfer of Interest in Vehicle

If the proprietor/operator (seller) of a licensed vehicle transfers his interest in the vehicle to any other person whatsoever he shall give notice in writing of the transfer to the council, giving the name and address of the person to whom the vehicle has been transferred as soon as is practicable and in any case not later than 14 days, after the transfer has become effective.

3.32 Fares

The Council has adopted the power, under Section 65 of the 1976 Act to fix the maximum fares for hackney carriages and under the Council constitution this is considered an executive function. The Head of Regulatory Services has delegated power to publish a notice but if there are objections received, which cannot be resolved, these are to be referred to Cabinet.

Hackney Carriages

Hackney Carriage Fares, set by the Council, are a maximum. The current tariff must be displayed where it can be seen easily by passengers.

Taximeters must be used to record the fare from, but not before, the start of a journey. Taximeters must not be started for disabled passengers requiring assistance before they are seated and secured.

The driver is responsible for ensuring that the seals of the taximeter are intact whilst they are in control of the vehicle. Drivers must not use a vehicle where the seals have been broken.

A hackney carriage cannot charge more than the metered fare for a journey within the borough irrespective of how that was arranged (rank, hailed or pre-booked). Before the start of a hiring for a journey which ends outside the district, agreement can be made to pay an amount which is more than the metered fare, but if no agreement is made only the metered fare can be charged.

Hackney carriage drivers, can when working, offer a discount on the metered fare (within or outside the district) as long as it is less than the hackney tariff set by the Council.

The Council may review Hackney carriage fare scales when requested by the Hackney Carriage Proprietors. The Council would follow the appropriate procedures detailed in the Local Government (Miscellaneous Provisions) Act 1976 in respect of consultation and advertisement of any variation of the fares.

When determining the level of fares, consideration will be given to what it is reasonable to expect the travelling public to pay as well as the need to give the drivers an incentive to provide a cost-effective service at the times it is needed.

Out of District journeys can be negotiated prior to the commencement of the journey in both Private Hire Vehicles and Hackney Carriages.

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

Private Hire Vehicles with a meter

Private Hire Operators may set their own fares, but if a meter is used the current fare chart must be displayed in each vehicle so that it is easily visible to all hirers.

Meters must be used to record the fare from, but not before, the start of a journey. Meters must not be started for disabled passengers requiring assistance before they are seated and secured.

Unless there is an agreement with the passenger before the journey commences, you cannot charge more than is shown on the Meter, at the end of the journey.

The driver is responsible for ensuring that the seals of the meter are intact whilst they are in control of the vehicle. Drivers must not use a vehicle where the seals have been broken.

For private hire vehicles without meters, the passenger cannot be charged more than the charge agreed between the passenger and operator before the vehicle was hired.

If the charge is calculated from a tariff, a current fare/tariff table must be displayed where it can easily be seen by passengers.

If a Mobile App or other electronic device is used to set a tariff for the journey, then the means of setting that tariff should be visibly displayed in the vehicle.

3.33 Application Procedures

The Council will consider all applications for vehicle licences on their own merits. Advice is available if required from the licensing team by contacting licensing@charnwood.gov.

The vehicle licence application must be made to the Licensing section of the Council within **4 weeks (28 days)** of the certificate of compliance; otherwise a further test will be required

3.34 Grant and Renewal of Vehicle Licences

Hackney carriage or private hire vehicle licences will be issued for a 12 month period from the date of grant.

Application forms, supporting information and appropriate fees should be submitted at **least 10 working days** prior to the expiry of the previous licence. Current MOTs and test certificate passes must be submitted no later than ten working days prior to the expiry of the existing licence. A licence will not be renewed without all supporting documentation being received and satisfying the requirements of this Policy. If the licence is not renewed before expiry a hackney carriage/private hire vehicle will be required to re-license with new plates and to meet all current conditions.

3.35 Enforcement

For vehicles the Enforcement, Convictions Scheme and Penalty Points Policy at Section 5 will be applied as part of the application process or for incidents occurring within the life of the licence.

3.36 Refuse to Grant/ Renewal

The Council may suspend, revoke, or refuse to renew a vehicle licence for any of the following reasons:

- (a) The vehicle is considered unfit
- (b) An offence has been committed by the proprietor or driver
- (c) For any other reasonable cause

Appeal against the suspension, revocation or refusal to renew a vehicle licence can be made to the Magistrates' Court.

Private Hire Operators Licence

Private Hire Operators' Conditions

4.1 Private Hire Operators

Under the provisions of the Local Government (Miscellaneous Provisions) Act 1976 no person shall in a controlled district operate any vehicle as a private hire vehicle without having a current Private Hire Operator's licence. A Local Authority shall not grant a licence unless they are satisfied that the applicant is a 'fit and proper person' to hold an Operator's licence. A private hire operator's licence will be valid for five years.

In determining whether an applicant is 'fit and proper' to operate private hire vehicles and drivers in Charnwood, the Council shall have regard to (but not limited to) the following factors:

- Any previous convictions of relevance;
- The applicant's financial standing;
- The applicant's general character;
- The applicant's knowledge and experience of the private hire profession;
- The applicant understanding of his/her responsibility as a private hire operator and their commitment to abide by the terms and conditions of the private hire operator's licence.
- Immigration status (see 'Right to Licence' in UK in Section 2)

Only when the Council is satisfied on all these points will it consider granting/renewing a private hire operator's licence. However, before granting the licence the Council will have to be satisfied that the premises from which the applicant intends to operate is suitable.

When the Council is satisfied with the fitness of the applicant and the suitability of the applicant's premises then a private hire operator licence can be granted/renewed subject to standard terms and conditions plus any other special conditions which the Council deems necessary.

The Council takes the view that as the person responsible for recruiting private hire vehicles and drivers, for accepting bookings and for fulfilling customer expectations, the role of the private hire operator is crucial. It is he/she who can set the standards expected by the Company and ensure that vehicle proprietors and drivers meet those standards and customer's expectations. It is also important that the private hire operator recognises the role of the Council as the Licensing Authority and works in partnership with the Council to achieve high standards.

The aim of the Council's policy is therefore to ensure that only persons who are honest, professional and committed to meeting the Council's high standards are licensed as private hire operators in Charnwood. It is hoped that through this

policy the Council, the private hire trade and ultimately the people of Charnwood will benefit from a high quality, professional private hire service.

4.2 Detailed consideration of ‘fit and proper’

Every applicant (unless he/she is currently a licensed driver with the Council) will be required to;

- provide a Statutory Declaration; and
- Provide a Basic Disclosure from Disclosure and Barring Service (DBS) <http://www.gov.uk/basic-dbs-check> (if you need telephone or face to face support to apply on line, call the DBS helpline on 03000 200 190 or email customer services@dbs.gsi.gov.uk)
- Immigration Status

In respect of an application from a partnership, each and every partner will be required to submit a separate Statutory Declaration and Basic Disclosure check.

In respect of an application from a limited company, each director, company secretary and the person who is the manager of the private hire operation will be required to submit a separate Statutory Declaration and Basic Disclosure. In addition details of any convictions against the company will need to be submitted to the Council for consideration.

The Council will only accept a Statutory Declaration and Basic Disclosure relating to an individual that has been produced within the last 3 months. Further Statutory Declarations will be required 3 yearly whilst Basic Disclosure's will be undertaken **annually**, for anyone who is not a licensed driver with the Council.

The applicant must satisfy the Council that he/she is fit and proper to be granted a private hire operator's licence. Every applicant (unless he/she is currently a licensed driver with the Council) will be required to:

- Provide a Statutory Declaration
- Provide a Basic Disclosure Check
- Operators from other countries will be required to provide a Certificate of Good Conduct from the embassy of any country where they have been domiciled before entering the UK (after the age of 10 years old) which must be no older than 3 months at time of presentation. The Certificate of Good Conduct must be translated into English at the applicants own cost.
- Undertake and Pass the Safeguarding Vulnerable Passenger Training before a licence is issued, the same as a new licensed driver. Details of the current ‘Safeguarding eLearning Course’ provider, recognised as suitable, to the satisfaction of the Head of Regulatory Services and the Licensing Manager, is available on the Councils Licensing web pages. Further information and the link by which to access the course is available on the licensing pages of the Councils website.

- Your right to work in the UK will be checked as part of your grant or renewal licence application, this could include the Licensing Authority checking your immigration status with the HomeOffice. We may otherwise share information with the Home Office.

An applicant can do this in one of two ways:

1) by providing their 'share code' to enable the Licensing Authority to carry out a check using the Home Office online right to work checking service (see details below); or

2) by providing a document or document combination that is stipulated as being suitable for this check. The list of documents is set out at https://www.charnwood.gov.uk/pages/home_office_right_to_work_documents.

These must be **original documents** which will be required to be checked within the applicant's presence. Photocopies; scanned documents and faxes for example are not acceptable. More information can be found in Section 2 'Right to Licence'.

The Rehabilitation of Offenders Act 1974 does not apply to applicants for both hackney and private hire driving licences. They are required to disclose all convictions, including those that would normally be regarded as spent. For these purposes, any offence resulting in the acceptance of a fixed penalty notice will be considered to be a conviction.

4.3 Previous Convictions

In view of the significant responsibility held by private hire operators in terms of setting standards for their company, recruiting vehicles and drivers, and dealing with members of the public the Council believes that the operator must be a person of good character and should be an example to all those whom he/she employs or allows to drive on his/her behalf.

The Council therefore insists that applicants must at least fulfil the same requirements as applicants for private hire driver's licences in terms of being free from serious convictions. Serious convictions include any formal cautions. The Enforcement, Convictions Scheme and Penalty Points Policy, Section 5 will be applied to applicants with convictions.

4.4 Private Hire/Hackney Carriage Offences and Non-Compliance with Licence Conditions

Any previous conviction that relates to an offence committed (in any licensed district) by the applicant while working as a Hackney Carriage or Private Hire Proprietor, Driver or Operator is regarded as extremely serious and the application is likely to be refused or an existing licence revoked.

This includes any offence against the Town Police Clauses Act 1847 or the Local Government (Miscellaneous Provisions) Act 1976. In addition, at the time of renewal of any private hire operator's licence, the Council will consider the applicant's compliance with the licence conditions. In cases where there have been minor breaches of the licence conditions, these will not usually prevent renewal of a licence but the applicant should be issued with a warning as to their future conduct.

In the case of more serious breaches of the licence conditions such as:

- where there is evidence of a repeated failure by the applicant to ensure that vehicles are maintained in a roadworthy condition; and/or
- there has been 2 or more (or 5% of the number of vehicles operated, whichever is the greater) convictions for plying for hire in any 12 month period of drivers working for an applicant and the applicant is unable to demonstrate that she/he has taken effective action to prevent such plying for hire then in such cases the Council will usually refuse to renew the licence.

This list is not exhaustive and should not be regarded as the only examples of serious breaches of the licence conditions.

4.5 Financial Considerations

Applicants for the grant of a licence must demonstrate that he/she is solvent, of sound financial standing and free from any past financial irregularities.

If the applicant has been declared bankrupt then an application will be refused or an existing licence revoked. An application will not be considered until their bankruptcy has been discharged.

If the applicant has been a director of a company that has gone into administration, then an application will usually be refused or an existing licence revoked. In cases where an applicant has been disqualified from being a director of a company, then an application will not be considered until their period of disqualification has expired.

4.6 General Character

As the person ultimately responsible for delivering a service to the public the Operator is expected to be a person of integrity. In particular the operator should be professional, amenable, decent and should display an even temperament at all times. Two character references will be required from persons of standing within the community or a professional person and who have known the applicant for at least two years. The person providing the reference must not be related to the applicant.

Persons from whom references may be provided include:

- Any person with professional qualifications (e.g. accountant, solicitor, teacher)
- Bank or Building Society Official
- Civil Servant
- Justice of the Peace
- General Practitioner
- Ministers of Religion
- Director or Secretary of a Limited Company (not a fellow director at same company)
- Councillor (though not a Councillor sitting on the Appeals and Regulatory Committee).

The Council will carry out checks on persons who have acted as references in order to confirm their authenticity. References will not be required if the applicant already holds a hackney carriage or private hire driver's licence issued by the Council.

4.7 Certificate of Good Conduct (residency outside the UK)

Because of the potential lifetime relevance for some of the most serious offences mentioned in this policy, the Council will need to ensure that sufficient background checks are conducted for those applicants that have lived overseas.

Private Hire Operators (who are not a licensed driver with Charnwood) will be required to provide a Certificate of Good Conduct from the embassy of every country where they have been domiciled before entering the UK (after the age of 10 years old) which must be no older than 3 months at time of presentation. The Certificate of Good Conduct must be translated into English at the applicants own cost.

If an existing Private Hire Operator has spent three continuous months (or more) living or on holiday overseas, the Council will need to see evidence of a criminal record check from the country / countries visited, covering the period that the applicant was overseas.

Any New Applicant who has been granted or is awaiting a decision to be granted asylum or refugee status will not be required to produce a certificate from the country they are claiming asylum from; evidence of this must be provided. The NEW applicant will, however be required to obtain a certificate from any other country they have lived.

Where a person has spent three months or more, on active service, or any similar deployments abroad as a member of the British Armed Forces, then they will be exempt from the requirement to provide a Certificate of Good Conduct.

4.8 Experience/Knowledge of Private Hire Trade

It is desirable for applicants to have a working knowledge of the private hire trade preferably gained in Charnwood as a proprietor, driver or operator. This will help ensure the applicant understands the Council's requirements (and can satisfy them) and should assist the Operator in establishing his/her business and in delivering the service required.

4.9 Subcontracting

Section 11 of the Deregulation Act 2015 allows private hire operator's to sub contract to each other across licensing boundaries. This will allow operators to work more flexibly and potentially grow their businesses. The triple licence requirement, that private hire operators are licensed within a district and must only use vehicles and drivers licensed by the same authority as their operator's licence, remains.

4.10 The Applicant's Premises

The applicant's premises **MUST** be within the Borough of Charnwood. (Those based outside the Borough prior to this Policy coming into place in April 2017, continue to have grandfather rights to that agreement unless they let their existing operator's licence lapse). Any premises maintained by the applicant for a private hire operator's licence may require planning permission for that usage. It is advised that applicants seek advice of the planning authority prior to making an application for a private hire operator's licence or commencing the use of premises under such a licence.

The grant of an operator's licence does not override the requirement for planning permission to allow the use of a premise as a private hire operator's base.

Premises failing to obtain or comply with planning permission where required may be liable to planning enforcement action.

However if the applicant proposes to allow members of the public to wait at the premises from which the applicant intends to operate, before granting the operator's licence, a Licensing Enforcement Officer (s), will inspect the premises to ensure that they are suitable for accommodating members of the public and are properly furnished.

4.11 Standard of Service

The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular:-

- (a) Ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at the appointed time and place.
- (b) Keep clean, adequately heated, ventilated and lit, premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting.
- (c) Ensure that any waiting area provided by the operator has adequate seating facilities.
- (d) Ensure that any telephone facilities and radio equipment are maintained in a sound condition and that any defects are repaired promptly.

4.12 Processing the Application

Once a fully completed application form (including the fee) has been received by the Licensing Section accompanied by references and evidence of liaising with planning/planning approval (if necessary) any inspections or meetings, which are necessary, will take place between the applicant and the Licensing Enforcement Officer. Once the Licensing Enforcement Officer is satisfied that the applicant is a fit and proper person, the Licensing Section will issue the licence. The licence will last for 5 years.

The Licensing Sub-Committee will hear any applications referred as a result of using the Enforcement, Convictions Scheme and Penalty Points Policy (Section 5), concerns over financial irregularities or where the Licensing Enforcement Officer considers that the applicant is not a fit and proper person.

The Council will aim to process an application within 10 days of receipt if all the satisfactory additional supporting information has been received (e.g. subject access search/statutory declaration, references, planning consent, including financial etc.).

Successful applicants will have their licence granted by the Licensing Section subject to the standard terms and conditions plus any additional conditions which members may deem necessary.

4.13 Renewal of Licence

The Operator's licence must be renewed in the fifth year. The form, together with the appropriate licence fee and documentation must be submitted to the Licensing Section at least **10 working days** prior to the expiry of the current licence.

Providing there have been no serious breaches of the licence conditions in the lifetime of the previous licence then the licence will normally be renewed by the Licensing Section. If there has been a serious breach of the licence conditions then the application will be referred to the Licensing Sub-Committee for consideration.

If an existing licensee fails to renew their licence prior to its expiry, then the Council shall not renew the licence but the person/organisation concerned will have to submit a new application. Including a new Statutory Dec/Basic Disclosure check, and new character references which might mean you cannot work for a period of time.

The Council has power to revoke or suspend an operator's licence for any offence under, or non-compliance with, Part II of the 1976 Act, for any conduct on the part of the operator which appears to the Council to render him unfit to hold an operator's licence, for any material change in any of the circumstances of the operator on the basis of which the licence was granted.

4.14 Conditions of Licence

If any of the conditions contained in this Licence are breached, penalty points may be awarded under Section 5 of the Policy, which may result in the suspension or revocation of the licence.

The Private Hire Operator must be aware of the provisions of the Local Government (Miscellaneous Provisions) Act 1976. Other legislation may also affect the operator business. For example, some of the provisions of the Town and Country Planning Act 1990 and the Health and Safety at Work, etc. Act 1974 may be applicable. The responsibility is that of the Operator to check the extent to which your business is affected by these provisions and comply with them.

The applicant will be expected to demonstrate an understanding of the standard conditions that apply to an operator's licence prior to a licence being issued. All Private Hire Operators licences granted by the Council are subject to the standard conditions. These must be complied with at all times and failure to do so may result in the Operator's licence being suspended, revoked or a renewal application being refused.

In addition to the standard conditions the Council may also impose specific conditions where it feels they are necessary. These could relate personally to the Operator or to the Operator's premises. As with the standard conditions the Operator is expected to comply with them at all times.

Authorised officers will carry out checks periodically on operators in order to ensure compliance with the licence conditions. If non-compliance with the conditions is identified then enforcement action will be taken in accordance with the Enforcement, Convictions Scheme and Penalty Points Policy. The results of these checks will be recorded and considered when an operator applies to renew the licence.

Licences are usually granted for **5 years** maximum or such period as decided by the Council. The Operator must advise us, in writing, during the life of the licence if;

- the number of vehicles within their company increase. Should the number of vehicles increase during the existing licence, a variation fee will be required (that of the difference between the existing vehicle numbers and the new vehicle numbers) and the remainder of the existing licence will be amended to reflect the increase.
- an owner driver of a private hire vehicle starts or leaves their business, where permission has been given to use their operator's licence.

Booking and Dispatch Staff

Register.

Private hire vehicle drivers are not the only direct contact that private hire vehicle users have with private hire vehicle operators' staff, for example a person taking bookings (be it by phone or in person). A vehicle dispatcher decides which driver to send to a user, a position that could be exploited by those seeking to exploit children and vulnerable adults. It is therefore appropriate that all staff that has contact with private hire vehicle users and the dispatching of vehicles should not present an undue risk to the public or the safeguarding of children and vulnerable adults.

Licensing authorities should be satisfied that private hire vehicle operators can demonstrate that all staff, that have contact with the public and/or oversee the dispatching of vehicles, does not pose a risk to the public.

It is a condition of granting an operator licence, that you are required to keep an up to date register of all staff that will take bookings or dispatch vehicles.

Basic DBS Disclosure

Any staff listed on their register of 'booking and dispatch staff' should have provided, as part of their employment contract, a recent Basic DBS Disclosure. These checks should be conducted on any individuals added to the register and are compatible with the company's policy on 'employing ex-offenders.

A record that the operator has had sight of a basic DBS certificate should be stated and retained for the duration that the individual remains on the register (the actual certificate itself should not be retained by the operator).

When individuals start taking bookings and dispatching vehicles for an operator they should be required, as part of their employment contract to advise the operators of any convictions while they are employed in the role'.

Should a member of booking and dispatch staff leave and return a new DBS certificate is required and a record made that the new DBS certificate has been seen.

The register is required to be a 'living document' that maintains records of all of those in the role of booking and dispatch staff for the same duration as booking records are required to be kept, i.e. 6 months.

Operators may outsource booking and dispatch functions but they cannot pass on the obligation to protect children and vulnerable adults. Should they choose to outsource these functions they should require evidence that comparable protections are applied by the company to which they outsource their functions.'

Employing Ex-Offenders Policy

Every Private Hire Operator applicant, on applying and on renewal, will be required to provide a copy of their policy on employing ex-offenders in roles of 'Booking and Dispatch Staff'.

4.15 YOUR DUTIES AS AN OPERATOR

4.15.1 Vehicles

Each Private Hire Vehicle that is operated under the terms of the licence must be licensed by Charnwood Borough Council under the (Miscellaneous Provisions Act 1976) and be insured for the purposes of private hire or reward. The Council will not accept insurance for a private hire vehicle that states it has 'public hire' insurance.

You must do as much as you reasonably can to make sure that vehicles that you operate always meet the requirements of the Hackney Carriage and Private Hire Licensing Policy.

PSV Vehicles and PCV drivers

The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such as a minibus to undertake a private hire vehicle booking should not be permitted as a condition of the private hire vehicle operator's licence without the informed consent of the booker.

Where a private hire vehicle is unsuitable, for example where a larger vehicle is needed because more than 8 passengers seats are required or to accommodate luggage, the booker should be informed that a PSV is necessary and that a PCV

licenced driver will be used who is subject to different checks and not required to have an enhanced DBS.'

4.15.2 Drivers

The Operator must only use drivers who are licensed by Charnwood Borough Council under the Act.

You must do as much as you can to make sure that drivers that drive vehicles operated by you, know and comply with conditions within the Hackney Carriage and Private Hire Licensing Policy.

You must do as much as you can to make sure that driver's that drive vehicles operated by you do not ply for hire or pick up or set down passengers at hackney carriage stands or anywhere that may cause an accident or an obstruction.

You must do as much as you can to ensure that drivers that drive vehicles operated by you are fit to drive.

4.15.3 Radio

The operator may require an appropriate licence if a radio system is in operation. The radio equipment that you operate must be properly maintained. It must comply with all Government guidelines regulating the use of such equipment and must not interfere with other radio or telecommunications equipment.

4.15.4 Nuisance

You must make sure that your business does not cause a nuisance to or annoy anyone who lives nearby your premises.

4.15.5 Fares for vehicles with meters/taxi meters

You must ensure that the fares table for the vehicle can be easily seen by passengers and send a copy of the fares table to the Licensing Officer. If you make any amendments or variations to the fares table, you must send a copy to the Licensing Officer within 7 days of such changes being made.

4.15.6 Fares for Vehicles without Meters

For private hire vehicles without meters, the passenger cannot be charged more than the charge agreed between the passenger and operator before the vehicle was hired.

You must ensure that the current tariff/fare table in a vehicle without a meter can be easily seen by passengers. If you make any amendments or variations to the

tariff/ fares table, a copy must be sent to the Licensing Officer within 7 days of such changes being made.

If a Mobile App or other electronic device is used to set a tariff for the journey, then the means of setting that tariff should be visibly displayed in the vehicle.

4.15.7 Advance bookings

When one of your vehicles has been hired in advance you must make sure that it does not arrive at the pick-up point late unless something unavoidable has happened to delay or prevent it from reaching the pick-up point.

4.16 Your licence

Name of the Company

The Council must be satisfied that the proposed name of the applicant's company is suitable and does not conflict with existing licensed operators.

Returning your licence

The licence is the property of the Council and you must return it to the Council immediately if it is asked for or if you want to surrender it.

4.17 Records that you must keep

Operator's licence

You must keep a copy of your Operator's Licence at the premises at all times.

Bookings

You or your staff must only accept bookings at the premises from which you are licensed to operate.

You must record the details about every booking made BEFORE the booked journey starts. The following must be recorded;

- the time and date of the booking;
- the pick-up and set down points;
- the time and date when the journey is to start;
- the name and, where possible, the address of the hirer;
- the plate number and/or the registration number of the vehicle which will be used; and
- the name and badge number of the driver who will drive the vehicle.
- the name of person taking the booking
- any other remarks, including details of any sub-contracting of the booking

If you operate from more than one premise's, a record of every booking must be kept available for inspection at each premise, regardless of which premises received the booking.

If the records are compiled on a computer then they must be capable of being immediately printed onto paper if requested by an authorised officer or police officer. Any records kept on computer must not be capable of retrospective alteration or amendment.

You must keep all these records for at least six months from the date that the booking was taken. If a police officer or an authorised officer asks you to keep these records for longer than this, then you must do so. Any such request must be made in writing.

Section 11 of the Deregulation Act 2015 allows private hire operator's to sub contract to each other across licensing boundaries. This will allow operators to work more flexibly and potentially grow their businesses. The triple licence requirement that private hire operators are licensed within a district and must only use vehicles and drivers licensed by the same authority as their operator's licence, remains.

Vehicle details

You must keep the following details about each vehicle that you operate:-

- The name and address of the owner of the vehicle.
- The name and address of the person who holds the vehicle licence.
- The expiry date of the vehicle licence.
- The registration number of the vehicle.
- The make, type and colour of the vehicle.
- The Plate Number of the vehicle and
- A copy of the current insurance certificate for the vehicle

Driver details

You must keep the following details about each driver that you employ:-

- Their name and address.
- Their badge number.
- Their driving licence number and
- A copy of their licence to drive a Private Hire Vehicle.

4.18 Keeping the council informed

Changes in your details

Note: Once a licence has been granted, your circumstances may change and these may influence whether you are still eligible to hold a licence. **A Private Hire Operators licence is none transferable.**

You must inform the Licensing Section in writing within **Seven days** of the following changes in your circumstances:-

- Any criminal charges for driving or non-driving offences made against you during the currency of the licence.
- Any convictions for driving or non-driving offences during the currency of the licence.
- Any formal cautions for driving or non-driving offences during the currency of the licence.
- Any driving disqualification made against you during the currency of the licence.
- Any Mental Health Order imposed on you during the currency of the licence.
- Any Sexual Offences Order imposed on you during the currency of the licence.
- Any penalty points incurred on your DVLA driving licence.
- Any bankruptcy order or voluntary arrangement made against you.
- Any disqualification under the Companies Act 1985.
- Any winding up, administration, receivership or liquidation.
- Any County Court judgements.
- The vehicles that you use.
- Your home or the registered office address

Any changes in the following must be notified in writing to the Licensing Officer at least **fourteen days** in advance of such changes:-

- Change of its telephone number.

The applicant must submit details of every telephone number proposed to be used in connection with the Operator's business. If the Council believes that any of the numbers proposed conflict with those of existing operators and could therefore confuse members of the public, then the applicant will be advised that those numbers cannot be used and must abide by this decision if the licence is to be granted. Any new telephone number must not be used until the Council has granted written approval to the operator to do so.

- Change of company name

The operator shall apply in writing to the Council if he/she wishes to change or add to the name of his/her Company. Any new name must not be used until the Council has granted written approval to the operator.

Any changes in the following must be notified in writing to the Licensing Officer at least **twenty one** days in advance of such changes:-

- The ownership of the business including dissolution of any partnership

Where there is a change in the ownership or controlling interest of the company, notification must be made to the Council at least **twenty-one days** in advance of the proposed change. The new owner or responsible person is required to submit an application for an operator's licence (whether or not the operating name remains the same). The application will be determined in accordance with this Policy.

Failure to give the Council adequate notice of any change in ownership may mean that the business cannot continue to operate until the Council is satisfied that the new owner is a 'fit and proper' person.

Change of Premises/Additional Premises

Please be aware that although not all premises maintained by the applicant for a private hire operator's licence will require planning permission for that usage. It is advised that applicants liaise with the planning authority prior to making an application for a private hire operator's licence or commencing the use of a premise under such a licence

The grant of an operator's licence does not override the requirement for planning permission to allow the use of a premise as a private hire operators base

Premises failing to obtain or comply with planning permission where required may be liable to planning enforcement action.

The applicant's premises **MUST** be within the Borough of Charnwood.

Subject to approval being granted, the address of the new premises will be noted and a new licence will be issued on request.

Losing your licence

If the Private Hire Operators licence document is lost, the Council must be informed in writing as soon as practicable. A fee is payable for a replacement.

4.19 Complaints

If the Council receives any complaint regarding the conduct of the private hire operator, the staff or the drivers you must co-operate with the investigation and provide such reasonable assistance to the Licensing Officer or the Enforcement Officers as requested.

All persons making a complaint to the Operator shall be informed of the telephone number and address of the Council.

4.20 Accidents/Damage to vehicles

If one of the vehicles which you operate is damaged and the damage affects the safety of the vehicle, its performance, appearance or its comfort and convenience to passengers, then you must let the Council know as soon as possible and no later than three days (72 hours) after the damage has occurred. An authorised officer or a police officer can suspend the vehicle licence until the damage is repaired to the satisfaction of the authorised officer or mechanics authorised by the Council to test the vehicle.

4.21 Authorised officers

Production of documents

An authorised officer or a police officer can, at any reasonable time, ask to see your licence, or any of the records that you are required to keep and which are detailed in this section.

Obstruction of authorised officers

If you deliberately obstruct an authorised officer or a police officer or fail to comply with any request made by such an officer without any good reason you can be prosecuted. You can also be prosecuted if you tell an authorised officer or a police officer anything, which you know is not true when you are being questioned by them.

Enforcement, Convictions Scheme and Penalty Points

Enforcement, Convictions Scheme and Penalty Points

5.1. Introduction

The purpose of this section of the Policy is to provide guidance on the criteria taken into account by the Council when determining whether or not an applicant or an existing licence holder is a fit and proper person to be granted, have renewed or continue to hold a hackney carriage /private hire driver or private hire operator's licence.

Whilst criminal convictions play a significant part in the Council's determination as to whether an individual is 'fit and proper', the Council will also take into account other factors such as demeanor, general character, non-criminal behavior, driving abilities and other information from other bodies such as the Police.

This Policy will be immediately applied to all current licences, in addition to being considered at the time of renewal and grant of licence.

The overriding aim of the Council in carrying out its licensing function is to protect the safety of the public.

The Council is concerned to ensure

- That an applicant is a fit and proper person, which would include the following;
- That the person does not pose a threat to the public
- That the public are safeguarded from a dishonest person
- The safeguarding of children and young persons and the vulnerable

Each case will be considered on its individual merits and, in exceptional circumstances the Council may depart from the guidelines.

The sanctions that are available to be applied are to suspend, revoke, and in the case of a grant or a renewal application, refuse to renew the licence.

In addition, where a licensed driver accumulates 6 or more points on their DVLA driving licence, the Council may require the driver to undertake a further practical driving test as an alternative to attending a Licensing Sub – Committee hearing at which their fitness to continue to hold a licence would be considered.

5.2 General policy

A person with a conviction(s) need not be automatically barred from obtaining or retaining a licence, but would normally be expected to:

- Remain free of conviction for an appropriate period; and/or

- Show adequate evidence that he or she is a fit and proper person to hold a licence (the onus is on the applicant to produce such evidence). Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.

In the case of new/existing licence holders, the Council, will take into account the Enforcement, Convictions Scheme and Penalty Points Policy in respect of whether a licence would be granted/renewed.

Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allows the Licensing Authority to suspend, revoke or refuse to renew a licence.

Where an applicant or existing driver/operator has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction.

5.3 Appeals

Any applicant refused a driver's licence, or who has their licence suspended or revoked on the grounds that the licensing authority is not satisfied that they are a fit and proper person to hold such a licence has a right to appeal to the Magistrates' Court

Powers

Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allow the Council to suspend, revoke or refuse to renew a licence if, amongst other things, there is any other reasonable cause.

The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, allows the licensing authority to take into account all convictions recorded against an applicant or the holder of a private hire vehicle or hackney carriage driver's licence, whether spent or not. Therefore the licensing authority will have regard to all relevant convictions, particularly where there is a long history of offending or a pattern of repeat offending.

5.4 Consideration of disclosed criminal history

Under the provisions of Sections 51, 55, and 59, Local Government (Miscellaneous Provisions) Act 1976, the licensing authority is required to be satisfied that an applicant for the grant or renewal of a hackney carriage and/or a private hire vehicle drivers' licence and/or private hire vehicle operator's licence is a 'fit and proper' person to hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the licensing authority will look into:

- **H o w** relevant the offence(s) are to the licence being applied for
- How serious the offence(s) were
- When the offence(s) were committed
- The date of conviction
- Circumstances of the individual concerned
- Sentence imposed by the court
- The applicant's age at the time of conviction
- Whether they form part of a pattern of offending
- Any other character check considered reasonable (e.g. personal references)
- Any other factors that might be relevant

Existing holders of drivers' licences are required to notify the Licensing section, **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. All other offences must be declared to the Licensing Section at least within 10 working days of the offence. Where a licensed driver accumulates 6 or more points on their DVLA drivers licence, consideration will be given to requiring the driver to undertake a further practical driving test.

Applicants can discuss further what effect a caution/conviction may have on any application by contacting the Council on 01509 634562 and asking to speak to the licensing section in confidence for advice.

The Council conducts enhanced disclosures from the Disclosure Barring Service (DBS) of any applicant for a driver licence. The Council follows the DBS's Code of Practice on the fair use of disclosure information

Applicants applying for the grant or a renewal of a driver's licence will be required to obtain an enhanced disclosure at their expense.

More information about the Disclosure Barring Service can be found by searching for Disclosure and Barring Service at www.gov.uk

The Council is entitled to use other records and information that may be available, in determining applications or an entitlement to continue holding a licence.

It is an offence for any person to make a false declaration or to omit any material, particular in giving information required by the application for a licence, and /or will normally result in a refusal.

A driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.

As stated above, where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a fit and proper person.

5.5 Convictions

In relation to single convictions, the following time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted;

Crimes resulting in death

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 of another person they will not be licensed.

Exploitation

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 exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

Offences involving violence

Where an applicant has a conviction for an offence of violence, 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.

Possession of a weapon

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 7 years have elapsed since the completion of any sentence imposed.

Sex and indecency offences

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted.

In addition to the above, the Council will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.

Dishonesty

Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Drugs

Where an applicant has any conviction for, or related to, the supply or production 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.

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 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Discrimination

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed

Motoring convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

Drink driving/driving under the influence of drugs/using a hand-held telephone or hand held device whilst driving

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 7 years have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

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 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

Other motoring offences

A **minor** traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.

A **major** traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Hackney carriage and private hire offences

Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Vehicle use offences

Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

5.6 Licences issued by other licensing authorities

Applicants who hold a licence with one licensing authority should not automatically assume that their application will be granted by another. Each case will be decided on its own merits.

5.7 Summary

To summarise, a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed.

While it is possible that an applicant may have a number of convictions that, individually, meet the above guidelines, the overall offending history must be considered when assessing an applicant's suitability as a fit and proper person

to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction.

5.8 Road Traffic Offences

The Courts can fine you and 'endorse' your driving record with DVLA penalty points if you're convicted of a motoring offence. The following is a guide to the number of penalty points a court may impose, it does not reflect the fact that some offences may incur a disqualification. (Accurate at time of document)

Code	Offence	Penalty Points
Accident Offences		
AC10	Failing to stop after an accident	5 to 10
AC20	Failing to give particulars or report an accident within 24 hours	5 to 10
AC30	Undefined accident offences	4 to 9
Disqualified Driver		
BA10	Driving while disqualified by order of court	6
BA30	Attempting to drive while disqualified by order of court	6
BA40	Causing death by driving while disqualified	3 to 11
BA60	Causing serious injury by driving while disqualified	3 to 11
Careless Driving		
CD10	Driving without due care and attention	3 to 9
CD20	Driving without reasonable consideration for other road users	3 to 9
CD30	Driving without due care and attention or without reasonable consideration for other road users	3 to 9
CD40	Causing death through careless driving when unfit through drink	3 to 11
CD50	Causing death by careless driving when unfit through drugs	3 to 11
CD60	Causing death by careless driving with alcohol level above the limit	3 to 11
CD70	Causing death by careless driving then failing to supply a specimen for alcohol analysis	3 to 11
CD80	Causing death by careless, or inconsiderate, driving	3 to 11
CD90	Causing death by driving: unlicensed, disqualified or uninsured drivers	3 to 11
Construction and Use Offences		
CU10	Using a vehicle with defective brakes	3
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	3
CU30	Using a vehicle with defective tyre(s)	3
CU40	Using a vehicle with defective steering	3
CU50	Causing or likely to cause danger by reason of load or passengers	3

CU80	Breach of requirements as to control of the vehicle, mobile telephone etc.	3 to 6
Reckless/Dangerous Driving		
DD10	Causing serious injury by dangerous driving	3 to 11
DD40	Dangerous driving	3 to 11
DD60	Manslaughter or culpable homicide while driving a vehicle	3 to 11
DD80	Causing death by dangerous driving	3 to 11
DD90	Furious driving	3 to 9
Drink		
DR10	Driving or attempting to drive with alcohol level above limit	3 to 11
DR20	Driving or attempting to drive while unfit through drink	3 to 11
DR30	Driving or attempting to drive then failing to supply a specimen for analysis	3 to 11
DR31	Driving or attempting to drive then refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity	3 to 11
DR61	Refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity in circumstances other than driving or attempting to drive	10
DR40	In charge of a vehicle while alcohol level above limit	10
DR50	In charge of a vehicle while unfit through drink	10
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive	10
DR70	Failing to provide specimen for breath test	4
Drugs		
DG10	Driving or attempting to drive with drug level above the specified limit	3 to 11
DG60	Causing death by careless driving with drug level above the limit	3 to 11
DR80	Driving or attempting to drive when unfit through drugs	3 to 11
DG40	In charge of a vehicle while drug level above specified limit	10
DR90	In charge of a vehicle when unfit through drugs	10
Insurance Offences		
IN10	Using a vehicle uninsured against third party risks	6 to 8
Licence Offences		
LC20	Driving otherwise than in accordance with a licence	3 to 6
LC30	Driving after making a false declaration about fitness when applying for a licence	3 to 6
LC40	Driving a vehicle having failed to notify a disability	3 to 6
LC50	Driving after a licence has been revoked or refused on medical grounds	3 to 6
Miscellaneous Offences		
MS10	Leaving a vehicle in a dangerous position	3
MS20	Unlawful pillion riding	3
MS30	Play street offences	2
MS50	Motor racing on the highway	3 to 11
MS60	Offences not covered by other codes (including offences relating to breach of requirements as to control of vehicle)	3
MS70	Driving with uncorrected defective eyesight	3
MS80	Refusing to submit to an eyesight test	3
MS90	Failure to give information as to identity of driver etc.	6
Motorway Offences		
MW10	Contravention of special roads regulations (excluding speed limits)	3

Pedestrian Crossings		
PC10	Undefined contravention of pedestrian crossing regulations	3
PC20	Contravention of pedestrian crossing regulations with moving vehicle	3
PC30	Contravention of pedestrian crossing regulations with stationary vehicle	3
Speed Limits		
SP10	Exceeding goods vehicle speed limits	3 to 6
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)	3 to 6
SP30	Exceeding statutory speed limit on a public road	3 to 6
SP40	Exceeding passenger vehicle speed limit	3 to 6
SP50	Exceeding speed limit on a motorway	3 to 6
Traffic Direction & Signs		
TS10	Failing to comply with traffic light signals	3
TS20	Failing to comply with double white lines	3
TS30	Failing to comply with 'stop' signs	3
TS40	Failing to comply with direction of a constable/warden	3
TS50	Failing to comply with traffic sign (excluding 'stop' signs, traffic lights or double white lines)	3
TS60	Failing to comply with a school crossing patrol sign	3
TS70	Undefined failure to comply with a traffic direction sign	3
Special Code		
TT99	Shows disqualification under 'totting-up' – if the total of penalty points reaches 12 or more within 3 years, the driver can be disqualified.	
Theft or Unauthorised Taking		
UT50	Aggravated taking of a vehicle	3 to 11
'Mutual Recognition' Codes – These will appear on your driving record if you're disqualified while driving in Northern Ireland, Isle of Man or the Republic of Ireland. Your disqualification period will also be valid in GB and will stay on your record for 4 years from the date of conviction.		
MR09	Reckless or dangerous driving (whether or not resulting in death, injury or serious risk)	
MR19	Wilful failure to carry out the obligation placed on driver after being involved in a road accident (hit or run)	
MR29	Driving a vehicle while under the influence of alcohol or other substance affecting or diminishing the mental and physical abilities of a driver	
MR39	Driving a vehicle faster than the permitted speed	
MR49	Driving a vehicle whilst disqualified	
MR59	Other conduct constituting an offence for which a driving disqualification has been imposed by the State of Offence	

Aiding, abetting, counselling or procuring

Offences as coded, but with 0 changed to 2 e.g. LC10 becomes LC12.

Causing or permitting

Offences as coded, but with 0 changed to 4 e.g. LC10 becomes LC14.

Inciting

Offences as coded, but with the end 0 changed to 6 e.g. DD40 becomes DD46.

Non-endorsable offences

Some offences are non-endorsable. A non-endorsable offence is an offence which courts do not endorse onto paper counterpart. No penalty points are attributed to these offences but they carry a period of disqualification. At the end of the disqualification (over 56 days) the driver will have to apply for a renewal licence together with the appropriate fee. Any queries about offences and endorsements should be directed to the convicting court.

Period of time

Periods of time are signified as follows: D=Days, M=Months, Y=Years
Endorsements remain on a licence for the following periods of time.
Endorsements must remain on a licence for 11 years from date of conviction if the offence is:

- Drinking/drugs and driving (shown on the licence as DR10, DR20, DR20 and DR80).
- Causing death by careless driving whilst under the influence of drink/drugs (shown on the licence as CD40, CD50 and CD 60).
- Causing death buy careless driving, then failing to provide a specimen for analysis (shown on the licence as CD70).

Or 4 years from the date of conviction if the offence is as listed below:

- Reckless/dangerous driving (shown on the licence as DD40, DD60 and DD80).
- Offences resulting in disqualification.
- Disqualified from holding a full licence until a driving test has been passed . Or 4 years from the date of offence in all other cases.

Source www.direct.gov.uk

5.9 Council Penalty Point Scheme (Internal Enforcement Mechanism)

Introduction

The purpose of this policy is to provide guidance on the application of the internal penalty points system, which are meant to act as a deterrent .

The overriding aim of the licensing authority is to protect the safety of the public. The licensing authority is concerned to ensure:

- That a person is a fit and proper person
- That the person does not pose a threat to the public

- That the public are safeguarded from a dishonest person
- The safeguarding of children and young persons and the vulnerable

General policy

There may be occasions where it is appropriate to depart from the guidelines, for example where there are mitigating circumstances or alternatively where there are many or continuous offences which may show a pattern of offending and unfitness.

Internal Council Penalty points will be applied by the Council when satisfied that a breach has been identified by means of written notice being given to the licensee setting out the number of points that have been applied.

Council Penalty Points issued to either the owner of a vehicle, operator or driver will be confirmed in writing within 10 working days from the date of the decision. Any penalty points that are awarded will be recorded on the relevant computer record. Normally, the maximum tariff will be applied, but where there are mitigating circumstances, a lesser number of penalty points may be issued.

Review of Council Penalty Points.

Any licensee who is awarded penalty points has the right of review in respect of the individual points, to the Head of Regulatory Services in writing, up to 10 days after the confirmation notice is received. The decision to be made will be to;

- (a) quash or reduce the penalty points;
- (b) confirm the penalty points; or
- (c) increase the penalty points based upon the evidence

Where an individual licensee reaches 12 Council Penalty Points, in a rolling **36 month period**, the matter will be referred to the Council's Licensing Sub Committee for the Committee to consider that licensee's continued fitness to hold a licence.

Council Penalty points may be removed from the record after **36 months** or following a Licensing Sub Committee hearing, where the Committee can decide to:

- (a) quash or reduce the penalty points;
- (b) confirm the penalty points; or
- (c) increase the penalty points based upon the evidence.

The aim of the scheme is to identify those licensees who repeatedly breach conditions or byelaws, and is not intended as punitive, until and unless an individual accrues the 12 points necessary, to require a Licensing Sub Committee hearing

If a Licensing Sub Committee choose sanctions such as suspension, revocation, or refusal to renew (in the case of a renewal application), there is a right of appeal to the Magistrates Court.

Powers

Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allows the Council to suspend, revoke or refuse to renew a licence if the licence holder has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause.

Offence/Breach of Condition		Maximum Points Applicable	Driver	Vehicle Owner or Operator
1	Providing false or misleading information on licence application form/failing to provide relevant information or the relevant fee (including dishonoured cheques)	6	✓	✓
2	Failure to notify, in writing, the Council of a change of name and /or change of address within 10 working days	3	✓	✓
3	Refusal to accept hiring without reasonable cause e.g. drunk or rude customer	12	✓	
4	Unreasonable prolongation of journeys or any misconduct regarding the charging of fares	6	✓	
5	Plying for hire by Private Hire Drivers	9	✓	✓
6	Using unlicensed vehicle or vehicle without insurance	12		✓
7	Failure to produce relevant documents within timescale when requested by an Authorised Officer	4	✓	✓
8	Unsatisfactory condition of vehicle, interior or exterior	4	✓	✓
9	Failure to undergo the Interim Compliance Test	6		✓
10	Failure to provide proof of insurance cover when requested	6	✓	✓
11	Failure to produce Hackney Carriage or Private Hire vehicle for testing when required	4	✓	✓
12	Using a vehicle subject to a suspension order issued by an	12	✓	✓

	Authorised Officer or a Police Officer			
13	Using a vehicle for which the licence has been suspended or revoked	12	✓	✓
14	Failure to notify, accident or damage to a licensed vehicle within 72 hours of the occurrence if the damage would materially affect the safety, performance, or appearance of the vehicle or the comfort or convenience of passengers carried therein.	4	✓	✓
15	Carrying more passengers than stated on the vehicle licence	6	✓	✓
16	Failure to display external/internal licence plate or signs as required	4	✓	✓
17	Carrying an offensive weapon in the vehicle	12	✓	
18	Failure to notify transfer of Private Hire or Hackney Carriage vehicle licence within 14 days of transfer/sale	4	✓	✓
19	Failure to carry fire extinguisher	4	✓	✓
20	Failure to display vehicle registration or plate number on fire extinguisher	3	✓	✓
21	Displaying unsuitable or inappropriate sited signs or advertisements in or on the vehicle	3		✓
21	Failure to use authorised roof light	4	✓	
22	Using an unapproved or non-calibrated taximeter	6	✓	✓
23	Obstruction of an Authorised Officer or Police Officer	12	✓	✓
24	Evidence of smoking in vehicle	3	✓	✓
25	Using an e-cigarette in a licensed vehicle	3	✓	✓
26	Evidence of food or drink in vehicle	3	✓	✓
27	Displaying any feature on Private Hire Vehicle that may suggest that it is a taxi	6		✓
28	Using a vehicle, the appearance of which suggests that it is a taxi	6		✓
29	Failure to carry an assistance dog without requisite exemption	12	✓	✓
30	Failure to give required mobility assistance	12	✓	✓

31	Driver not holding a current DVLA licence	12	✓	✓
32	Failure to wear drivers badge	4	✓	
33	Failure to notify, in writing, a change in medical circumstances	6	✓	✓
34	Unsatisfactory appearance of driver	3	✓	
35	Failure to observe rank discipline	3	✓	
36	Failure to maintain proper records of Private Hire vehicle	3		✓
37	Failure to keep or produce records of Private Hire bookings or other documents required to be kept or produced	6		✓
38	Misleading use of the words 'Taxi' or 'Cab' on advertising materials	3		✓
39	Failure to issue receipt on request	12	✓	✓
40	Failure to return vehicle licence plate within 7 days after due notice following expiry, revocation or suspension of such licence	4	✓	✓
41	Unsatisfactory behaviour or conduct of driver	12	✓	
42	Failure to notify the Council, in writing, 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.or any other offences within 10 working days of conviction or cautions during period of current licence	6	✓	✓
43	Failure to behave in a civil and orderly manner	12	✓	✓
44	Failure to give assistance with loading/unloading luggage to or from any building or place	12	✓	✓
45	Failure to display fare card	3	✓	✓
46	Failure to carry manufacturer's original design of equipment to deal with punctured tyres and maintained in usable condition	4	✓	✓
47	Failure to attend punctually at appointed time and place without sufficient cause	4	✓	✓

48	A licensed vehicle with a defective tyre	4 per tyre	✓	✓
49	Failure to submit a licence renewal application including documents and attendance at a vehicle inspection	6	✓	✓
50	Failure to comply with any other conditions	3	✓	✓
51	Waiting or stopping on a double yellow area, bus stop or private land (without the owner's permission) unless requested by a paying customer present in vehicle	3	✓	
52	Driving while using a mobile phone	12	✓	
53	Sounding your horn in a way to cause alarm, harassment or distress to others	3	✓	
54	Failure to ensure that all wheelchairs being carried in a licensed vehicle have been correctly loaded, secured and unloaded	6	✓	
55	Failure to comply with wheelchair requirements including provision of ramps and straps	4	✓	✓
56	Failure to hand in lost property to a police station	3	✓	
57	Failing to notify the licensing section without delay of being the subject of an investigation for other than a minor motoring offence. Such notification to be in writing.	6	✓	✓

Ticks indicate potential recipients of penalty points for infringements. N.B certain infringements may result in drivers, proprietors or operators receiving penalty points. Points may be awarded to one or several persons depending upon the nature of the infringement; however each case must be determined on its own merits. Certain matters are specific to Hackney Carriages, Private Hire drivers or Private Hire operators.

Driving offences dealt with by other means, such as Fixed Penalty Tickets, or by court conviction do not fall into the scope of the penalty point's scheme normally; however, there may be occasions when such convictions will attract penalty points, an example being shown in 52, above, (use of mobile phone whilst driving).