



# Charnwood

**To all; Private Hire Drivers, Operators  
and Hackney Carriage Drivers.**

Southfield Road, Loughborough,  
Leicestershire, LE11 2TX

Ask for: Licensing

December 2017

Contact Centre: 01509 634562

Email: [licensing@charnwood.gov.uk](mailto:licensing@charnwood.gov.uk)

Dear Sir/Madam

**\*\*IMPORTANT INFORMATION– PLEASE READ\*\***

## **HACKNEY CARRIAGE/PRIVATE HIRE NEWSLETTER**

Welcome to the sixth edition of the Hackney & Private Hire Newsletter for Charnwood.

The Charnwood Licensing Team have developed this newsletter, following a number of requests by the local taxi trade to keep them up to date with the latest legislation and Government/Council policy changes that affect you. Apologies in advance for this lengthy letter but please make every effort to read it as it aims to keep you informed.

### **Policy Reminders**

#### **1. Renewal of your Drivers Badge**

**The last newsletter in April 2017 advised drivers that the practice of issuing ‘temporary’ driver licences/badges had finished!**

The renewal process for existing drivers to renew their Charnwood Borough Council drivers licence/badge was changed, putting the responsibility more on the driver to complete their paperwork, in a timely manner whilst at the same time saving the driver unnecessary expense by not having to repeat stages. The aim of this was to ensure that the DBS check was done in ample time for your application ( your renewal letter reminds you to do this at least 6 weeks before your existing badge expiry date). You are then required to submit your renewal application along with your medical, **at least 10 working days** before the expiry of your previous licence. Allowing licensing staff to check your paperwork, and hopefully deal with any issues that may arise to be dealt with.

A number of drivers are completing their DBS application but are then failing to submit their renewal application in good time before their expiry date.

**It is not licensing’s responsibility to chase you.** Licensing send a renewal letter 8 weeks before the expiry date of your licence. On wearing your badge, you are aware of the expiry date. It is not a reasonable excuse that you have not received your renewal



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A driver who leaves his application to the last minute risks;

- a) the application form being accepted but the licence/badge not being renewed until such time as all paperwork is received meaning a period where you are unable to work (and dated paperwork may expire meaning further costs to you); or
- b) your badge expires and you have to reapply as a brand new driver, requiring you to sit the new three paper knowledge test prior to a badge being issued.

**Ultimately its your badge, and you should ensure that it is renewed on time. The Licensing section will no longer be prompting you to renew your badge, as the time spent telephoning drivers reduces staff time to deal with other matters.**

## **2. Hackney Vehicles left unattended**

**No hackney carriage vehicle shall be left unattended on a rank (this includes the first or second position previously allowed under the 'yellow book'.)** This includes leaving your hackney carriage vehicle unattended on a rank for comfort breaks and particularly shopping trips. Drivers wishing to partake of either activity need to park elsewhere as would be expected of any other member of the public.

It is an offence to leave an unattended hackney carriage vehicle on a hackney rank. The circumstances of leaving an unattended licensed hackney carriage vehicle on a hackney rank is covered by the combination of Byelaw 8 on Charnwood Borough Council Byelaws ( copy of which is enclosed with the Policy) and S62 of the Town Police Clauses Act 1847.

Byelaw 8 (c) & (d), state that the vehicle must move up when on the rank (which it cannot do if the driver isn't in it). S62 makes it an offence for the driver to leave the carriage in any street without a person to take care of it. Breach of either of these provisions is a criminal offence.

Drivers, whose vehicle is observed left unattended on the hackney rank, may be dealt with by the issue of penalty points against their Charnwood drivers licence.

**Drivers of private hire vehicles are reminded that they cannot park or wait on a rank.**

## **3. Vehicle licence/plate Renewals - Don't leave it to the last minute to make your appointment with Licensing**

Application forms, supporting information (including test certificate) and appropriate fees should be submitted at least **ten working days** prior to the expiry of the previous vehicle licence. A licence will not be renewed without all supporting documentation. If the licence is not renewed before expiry, a hackney carriage/private hire vehicle will be required to re-licence as a Grant application, with new plates and to meet all current conditions, including cost.

All vehicles are required to be tested and the new licence plate displayed, prior to the old licence plate expiring.

**Please be aware that Licensing has an appointment system in operation, with limited appointments each day.**

With this in mind we actively encourage drivers to book their appointment as early as possible, rather than risk disappointment of leaving it to the last minute. Vehicles should be booked in to an approved garage at least a minimum of 3 weeks prior to their vehicle plate/licence expiring. If you test your vehicle early, please note you do not lose any days on your new plate. The expiry date will remain the same and the new plate issued from the day after.

#### **4. Talk to Us**

**Licensing would recommend that you do not leave your application's to the last minute in case there are any unforeseen issues that prevent your licence being issued. Should drivers have concerns about their driver, vehicle or operator renewal applications they are encouraged to contact licensing to discuss these concerns in plenty of time.**

#### **5. Operator Authorisation Forms**

In the case of a driver who wishes to apply for a private hire vehicle licence, who does not hold his own private hire operator's licence and wishes to work for an operator, the driver must obtain from that operator, a completed 'operator authorisation form'. This must be completed on grant and renewal of that vehicle licence or if they change operators during the life time of the plate.

An operator authorisation form is issued with your plate renewal letter should you require it. Please ensure that it is signed by the actual person stated on the private hire operators licence, not the board operator or someone in the office as these will be rejected.

#### **6. New Plates and Signage**

The new front plates for both Hackney Carriage/Private Hire Vehicles and door signs for Hackney Carriages have been in circulation since May 2017 and the general feedback is that they work well. Front plates will not be given out as part of your renewal from May 2018 as all current licenced vehicles will have received one by this date.

#### **7. Safeguarding Awareness Training**

As part of the new Hackney Carriage/Private Hire Policy all drivers and operators, new and existing drivers are required to attend safeguarding awareness training. Failure to do so may result in the suspension of your licence/badge.

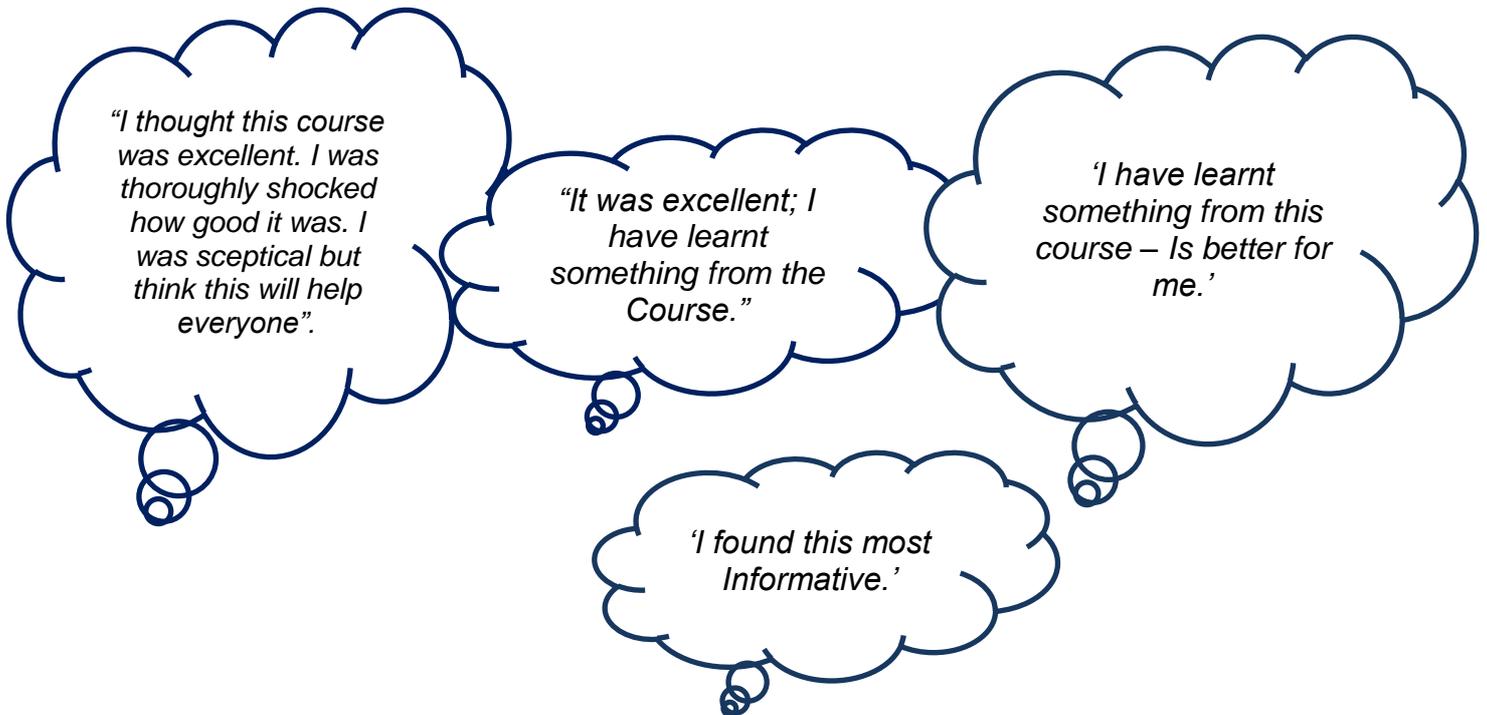
All 9 Leicestershire Licensing Authorities have been asked to introduce Safeguarding training. The police as well as CSE Out Reach Workers are helping to deliver Charnwood's training, alongside Licensing.

Initially it was thought that drivers would attend a session around their badge renewal date. It is now envisaged that the training sessions will be carried out over the next 18 months (one per month) to ensure all existing drivers/operators are trained as quickly as possible.

**Therefore, it is very important that you do not ignore your invite letter (you will only be invited 3 times to ensure all drivers are invited throughout the 18 month period) and you are encourage to book on as soon as possible. Licensing**

would urge you to book on sooner rather than later on receipt of the invite letter, as places are limited for each session, due to room accomodation. To secure your place, payment (£22.00) is required at time of booking and cannot be taken on the day of the course. If drivers leave it to the last sessions, a number of drivers may be disappointed, due to limited space and their licence may be **suspended for failing to attend**.

Thirty five drivers and operators have attended the first two sessions. All those who have attended have passed the short test at the end of the sessions. The training was well received and below is some of the feedback received ;



Please be aware that this is a separate requirement to the previous BTEC/NVQ ( that no longer exists) and all drivers/operators **must** attend the safeguarding.



## 8. Legislation Update - Important Changes to Equality Law For Hackneys and Private Hire Vehicles

From the **6<sup>th</sup> April 2017** the Government has introduced section s 165 and 167 of the Equality Act 2010. These provisions allow a licensing authority to create a list of 'designated vehicles' which are capable of carrying passengers in wheelchairs (**s167**) and then require drivers of those vehicles to provide mobility assistance (**s165**).

Licensing Authorities are under no specific legal obligation to maintain a list under Section 167, but the Government strongly recommends that they do. Without such a list the requirements of section 165 of the Act do not apply and drivers may continue to refuse the carriage of wheelchair users, fail to provide assistance, or to charge them extra.

Charnwood Borough Council wants to ensure that passengers are better informed about the accessibility of hackneys and private hires in their area, confident of receiving

the assistance they need to travel safely, and not charged more than a non-wheelchair user for the same journey.

The Act states that a vehicle can be included on a licensing authorities list of designated vehicles if it conforms to such accessibility requirements as the licensing authority thinks fit but it also states that vehicles placed on the designated list should be able to carry passengers in their wheelchairs should they prefer.

This means that to be placed on a licensing authorities list a vehicle must be capable of carrying some - but not necessarily all – types of occupied wheelchairs. The Government therefore recommends that a vehicle should only be included in the authority's list if it would be possible for the user of a 'reference wheelchair' (as defined in schedule 1 of the Public Service Vehicle Accessibility Regulations 2000) to enter, leave and travel in the passenger compartment in safety and reasonable comfort whilst seated in their wheelchair.

Section 165 of the Act sets out the duties placed on drivers of designated wheelchair accessible vehicles. These duties are;

- To carry the passenger while in the wheelchair;
- Not to make an 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; and
- To give the passenger such mobility assistance as is reasonably required.

The act then goes on to define mobility assistance 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.

Licensing want to ensure that drivers and vehicle owners are clear about their duties and responsibilities placed on them when included on the designated list. Letters have been sent out to all owners of vehicles that currently show as wheelchair accessible on the licensing database. **Licensing would ask that anyone who thinks their vehicle should be included on the list contact Licensing as soon as possible.**

## **9. DBS Update Service**

On receipt of your renewal drivers application pack you receive a DBS application form and within this form is a leaflet headed Important Information on one side and The Update Service on the other. A leaflet is also handed out to all new applicants on being issued a DBS application.

You may not realise that signing up for the update service can save you money and may allow your DBS to be more flexible should you require a similar such certificate for more than one organisation or employer.

The cost of the DBS ( Disclosure and Barring Service) Enhanced Certificate is currently £44.00 for 3 years. The update service costs £13.00 a year, a saving of £5.00 over the 3 years.

You may find additional information by typing in the following web page address;  
<https://www.gov.uk/dbs-update-service>

## 10. Licensing Enforcement Exercises

Since the 5<sup>th</sup> Newsletter, a total of 6 inspections of hackney carriages, plying for hire on town centre ranks (including the Railway Station) have been conducted resulting in 68 HC & PH vehicles and drivers being checked.

These inspections resulted in :

- 24 verbal warnings for drivers failing to wear badge.
- 11 verbal warnings for failure to display vehicle ID on fire extinguisher.
- 8 verbal warnings for failure to display tariff card.
- 4 verbal warnings for failure to display dashboard mounted driver ID.
- 1 verbal warning for failure to display customer complaint notice.
- 6 verbal advisories for tyres, and side ovals on magnetics.

In addition to the above, a mobile taxi check was carried out in Loughborough town (daytime) on the 18<sup>th</sup> September 2017, involving the Licensing team, Police and DVSA. This check concentrated on private hire vehicles and resulted in;

- 4 verbal warnings were issued for drivers failing to wear badge.
- 1 verbal warning for failure to display vehicle ID on fire extinguisher.
- 1 verbal advisory for a tyre issue.

The date and timing of future exercises will be kept confidential for operational reasons. A number of checks will be held throughout the year, and will either be mobile checks, or in three hour slots involving Police and outside agencies.

A total of 26 suspension notices have been issued by Enforcement Officers relating to mechanical defects, and condition of bodywork arising from accidents.

A total of 25 drivers and operators have been dealt with by way of the Charnwood Borough Council internal penalty points scheme. The most common breaches were the failure to wear drivers badge, failure to notify a change of address, and failure to notify of convictions.

Licensing would like to remind all drivers and operators that;

- a change of address must be notified to the council in writing within 10 working days; and
- that all motoring or criminal convictions, including cautions incurred during the period of the current licence must also be reported in writing to the council within 10 working days.

## 11. Christmas Opening Times

Please note that the Council and Licensing Offices are closed from 4.30pm on Friday, 22<sup>nd</sup> December 2017 until 8.30am on Tuesday, 2<sup>nd</sup> January 2018.



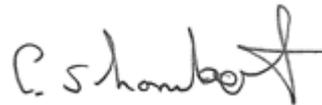
*Best Regards and Merry Christmas from the  
Licensing Team*



Grace Dowson  
Licensing Manager



Rachel Cluer  
Licensing Officer



Chris Lambert  
Licensing Enforcement Officer



Paul Rush  
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