

## LICENSING COMMITTEE – 28TH FEBRUARY 2017

### Report of the Head of Regulatory Services

#### Part A

#### ITEM 5 REVIEW OF THE NEW HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

##### Purpose of Report

To request the Licensing Committee to approve the new Hackney Carriage and Private Hire Licensing Policy following consultation with the public and hackney carriage/private hire trade.

##### Recommendations

1. That the Hackney Carriage and Private Hire Licensing Policy, attached at Appendix 1, be approved for implementation from 1st April 2017.
2. That the Head of Regulatory Services be given delegated authority to make minor amendments and alterations, and amendments required to comply with changes to legislation and Government guidance to the 'Hackney Carriage and Private Hire Licensing Policy', in consultation with the Chair of the Licensing Committee.

##### Reasons

1. To ensure that the Council has a policy that sets out the requirements and standards that must be met and guides the Council in the way that it carries out its functions.
2. To ensure that minor and necessary amendments to the policy can be made in a timely manner.

##### Policy Justification and Previous Decisions

This Policy is concerned with the application of powers exercised by Charnwood Borough 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. The Policy brings together previous decisions made by the Licensing Committee into one document.

At its meeting on the 25th October 2016, the Licensing Committee considered a report of the Head of Regulatory Services to approve a new hackney carriage/private hire policy, prior to consultation with the public and hackney carriage/private hire trade. The consultation started on the 24th November 2016 and ended at 3.00pm on the 23rd December 2016.

The following extract from the minutes of that meeting details the decision of the Committee.

## **'RESOLVED**

*1. that the new draft Hackney Carriage and Private Hire Licensing Policy, set out in Appendix A to the report of the Head of Regulatory Services, be approved prior to consultation with the public and trade, subject to the following amendments agreed at the meeting:*

*(a) Section 3: Drivers – Age and Experience and Schedule 5: Guidance. Drivers will be required to change an EEA licence to a UK licence within 12 months of application/renewal;*

*(b) Schedule 1: Private Hire Vehicles without Meters and Schedule 3: Fares for Vehicles without Meters. Clarification that if any device is used to set a tariff for a journey then the means of setting that tariff should be visibly displayed in the vehicle;*

*(c) Section 3: Driver Conduct. State that vaping and the use of e-cigarettes is prohibited as well as smoking;*

*2. that the Head of Regulatory Services be given delegated authority to make minor amendments and alterations to the draft policy and procedures during the consultation period;*

*3. that the Head of Regulatory Services be given delegated authority to implement the right to work requirements in the Immigration Act 2016, in line with the Home Office guidance and in consultation with the Chair of the Licensing Committee.*

### Reasons

*1. To ensure that the Council has a policy that sets out the requirements and standards that must be met and guides the Council in the way that it carries out its functions, including amendments which;*

- a) Allow appropriate checks to be made;*
- b) Allow a means of calculating the fee for a journey to ensure that customers are aware of the tariff;*
- c) Avoids ambiguity to ensure that any form of smoking is prohibited.*

*2. To ensure that minor amendments to the Policy, can be made in a timely manner by the Head of Regulatory Services, prior to the final draft being reported back to the Licensing Committee.*

*3. To ensure that the new requirements of the Immigration Act are in place in time for the implementation date of early December 2016, which is prior to the proposed date for the introduction of the Hackney Carriage and Private Hire Licensing Policy in April 2017.'*

## Implementation Timetable including Future Decisions

If approved by the Committee the revised policy will be implemented from 1st April 2017.

### Report Implications

The following implications have been identified for this report.

#### *Risk Management*

No risks have been identified.

#### *Financial Implications*

The reduction of the three badges, hackney, private hire and dual to one combined badge will see an initial drop of income but this would be balanced by the introduction of a new written Knowledge Test for all new drivers, where all tests and re-sits must be paid for and the introduction of Safeguarding Awareness training for all new drivers and operators and existing drivers on renewal.

It is anticipated that there would be no net loss of overall income.

#### *Equality and Diversity*

An Equality Impact Assessment was undertaken on the draft policy and no significant issues were identified. No further issues were identified as part of the consultation process.

Background Papers:

Equality Impact Assessment

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## Part B

### Background

1. Hackney carriage and private hire vehicles have a specific role to play in an integrated transport system. They are able to provide services in situations where public transport is either not available (or outside “normal”; hours of operation such as in the evenings or on Sundays), and/or for those with mobility difficulties.
2. The aim of licensing the hackney carriage and private hire vehicle trade is, primarily, to protect the public as well as to ensure that the public have reasonable access to these services, because of the part they play in local transport provision. It is important that the authority’s hackney carriage and private hire licensing powers are used to ensure that licensed vehicles in the Borough are safe, comfortable, properly insured and available where and when required.
3. The Council has responsibility for licensing hackney carriage and private hire vehicles, drivers and operators within the borough of Charnwood. It has traditionally exercised this responsibility through a number of different policies, guidance and procedures that have been developed over a significant number of years
4. A report was submitted to the Licensing Committee on the 25th October 2016 with a proposed Hackney Carriage and Private Hire Vehicle Licensing Policy, intended to ensure that both the trade and the public have a document that fully explains the licensing policy and procedure. A copy of this report is attached at Appendix 2.

### Consultation

5. A letter was sent to all the Private Hire Drivers, Operators and Hackney Carriage Drivers, dated the 24th November 2016 advising of the review of the of the Hackney Carriage and Private Hire Policy, and advising that the consultation ceased at 3.00pm on the 23rd December 2016. The letter advised that all objections were to be in writing. The letter is attached at Appendix 3.

### Changes Made to the Policy

6. The letter of the 24th November advised drivers, at point 7, that all new drivers were expected to complete a practical driving test. It also advised that the DVSA were no longer carrying out these tests after the 31st December 2016. To ensure a continuation of service the Blue Lamp Trust, a comparable provider to that of the DVSA, is now being used as the new practical driving test provider. The policy has been amended to include this change (at page 8 and the Blue Lamp Trust details included at Schedule 5.
7. Point 15 of the letter of the 24th November advised that medicals for HGV/PSV would be acceptable from drivers as a Group 2 medical, if no more than 3 months old when presented. A hackney driver who has raised concerns as a result of the consultation, referred to later in the report commented that

HGV/PSV drivers did not have to obtain their Group 2 medicals with their own doctors whilst hackney carriage/private hire drivers did. This has been amended accordingly at page 9 to advise that should a HGV/PSV driver wish to use his medical for that of his hackney carriage/private hire drivers licence that he would need to ensure it was completed with his/her own doctor.

8. Point 6 of the consultation letter dated 24th November 2016 referred to the introduction of Safeguarding Awareness Training for all new drivers and existing drivers. A hackney driver raised the question, if a driver had already attended a course on safeguarding training would they need to also have to attend the Charnwood Borough course. With this in mind the policy has been amended at page 12 to state that where a driver feels he has attended similar training details must be provided of the course, along with confirmation of attendance. These will then be considered by the Head of Regulatory Services or Licensing Manger to check whether it is an acceptable alternative.

#### Comments Received during the Consultation

9. Five responses were received from members of the Hackney Carriage/Private Hire Trade, and these are listed below along with details of their driver licence and vehicle licence details.

A. Colin Cracknell (of Colin's Taxis, HCD 77 and owner of 2 hackney vehicles)

Mr Cracknell sent in an email, dated the 1st December 2016 which stated:

'I want to object to having to put a logo on the side of my cars, as I like to keep my cars presentable for our customers from hotels without having items spoiling the look of the cars.'

B. Jielam Amin (HCD 115 and owner of HC91)

Mr Amin sent in an email, dated 14th December 2016 which stated:

'I object to the stickers being put on Hackney carriages vehicle. As this would ruin the image of the vehicle (taxi) as it is already have roof sign to say we are hackney vehicles. We also have plate inside and outside of taxi. At the moment customers can tell the difference between hackney carriage and private hire by the stickers and roof sign. If you have the sticker on the side of taxi we will be recognised as private hire. Most customers at the moment know that hackney carriage don't have stickers on side of taxi especially when they are drunk. By having the stickers you will diminish appearance of vehicle.'

C. Pasquale Corbinzolu (HCD26 and owner of HC73)

Mr Cobinzolu sent in a letter with a number of concerns but wished the following concern to be brought to the Committee's attention:

'The signage of vehicles as you know has been a bone of contention with hackney drivers for many years, but I find it astonishing that your office still believes that the general public will be able to distinguish between the words 'TAXI' and 'TAXIS' and the decision as to whether to hail that vehicle rests on the observation of the letter

's'. I don't feel that this measure goes far enough and suggest that the word taxi either in its singular or plural form should be totally removed from all private hires. You are suggesting a new sticker for hackney vehicles similar to ones on private hires to distinguish the two types of vehicle, this I suggest will not distinguish them at all but make them more similar in appearance and more confusing to the public, after all hackneys are already distinguished by the roof sign, which as you know must never be removed'.

D. Derek John Taylor (HCD 7 and owner of HC109)

Mr Taylor sent in a letter with a number of concerns but wished the following to be brought to the Committee's attention:

'I am against having white signs on Hackney Roof signs and plates always worked until Charnwood Borough Council let private hire vehicles be made to look like Hackneys. Only two groups of people have a problem with telling the difference between vehicles, those under the influence of alcohol and partially sighted people. A white and yellow sticker would confuse partially sighted more than present system. Why not ask the opinion of the RNIB College in Loughborough'.

E. Richard Barrow (owner of Epinal Taxis, HCD 212 and 8 hackney vehicles)

Mr Barrow sent in an email with a number of concerns initially but wished to bring the following concern to the Committee's attention:

'Will existing private hire drivers be required to take the new knowledge test or are we happy to send them out in hackney carriages with satellite navigation?'

Our concern is existing private hire drivers on renewal of badge being granted a dual licence without a knowledge test. Whether they have 3 year's 'experience' or not, feedback within the trade/from customers is they are relying heavily on satellite navigation to get them around and are really not up to the job of jumping into a hackney carriage and being hailed on the street or taxi rank.'

### Conclusion

10. The Licensing Committee is asked to consider these objections highlighted above along with the proposed amendments set out in paragraphs 6. to 8. and agree the final Policy for implementation from 1st April 2017.

### Appendices

1. Hackney Carriage and Private Hire Licensing Policy
2. Report considered by the Licensing Committee on 25th October 2016
3. Consultation Letter – November 2016

# Hackney Carriage and Private Hire Licensing Policy



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## Schedules

### **Schedule 1 – Drivers**

Drivers Conditions

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### **Schedule 2 – Vehicles**

Vehicle Conditions

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### **Schedule 3 – Operators**

Operator Conditions

How to apply

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### **Schedule 4 – Enforcement**

Enforcement, Convictions Scheme and Penalty Points

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### **Schedule 5 - Application Guidance**

How to apply for Drivers and Vehicles

Best Practice guidance for written Knowledge Test

**page 73**

### **Schedule 6 – Byelaws**

Borough of Charnwood Byelaws

**See Separate Document**

## 1.0 Introduction

Charnwood Borough Council is responsible for the regulation and administration of the Hackney Carriage and Private Hire trades within the boundaries of the Borough of Charnwood.

Charnwood Borough 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 Charnwood Borough 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
- Enforcement, Convictions Scheme and Penalty Points
- 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](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](http://www.charnwood.gov.uk/pages/regulatory_service)
- Immigration Act 2016

This policy and related procedures, will guide the work of the Licensing Authority (Council) in the way in which it carries out its functions.

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.

## **Background to Policy**

This Policy is the consolidation, formulisation and updating of various conditions and procedures that have been used by Charnwood Borough Council. The Policy will be reviewed at 3 yearly intervals or as required.

When the Government relaxes the restrictions on Council Byelaws these will be subject to Revision.

## **2.0 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, Charnwood Borough 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.

### **Best Practice Guidance**

In formulating this policy, advice contained in the "Taxi and Private Hire Vehicle Licensing Best Practice Guidance February 2010" issued by the Department for Transport has been taken into account. There is recognition within the Guidance that a too restrictive approach may be detrimental to the public interest and could have adverse safety implications and this is taken note of in this Policy.

### **Implementation**

This policy will take effect from 01/04/17 and will be reviewed in three years. Revisions will be considered as appropriate.

Upon implementation of this policy, the Authority expects licence-holders to comply with its terms immediately unless otherwise indicated in the policy or Schedules.

## **Licensing Profile**

At the time of writing there are licences for 147 hackney carriages, 214 private hire vehicles and 40 private hire operators. There are 110 hackney drivers, 271 private hire drivers licensed and 49 dual licensed drivers. This policy will introduce a combined badge for all drivers.

## **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 set out therein.

Notwithstanding the existence of this policy, 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.

Where it is necessary for the Council to depart substantially from this policy, reasons for doing so will be given.

## **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 the Enforcement, Convictions Scheme and Penalty Points Policy at Schedule 4 will be applied as part of the application process.

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. This includes information regarding previous convictions, warnings and reprimands, current investigations and pending criminal proceedings.

## **3.0 Drivers**

### **Licences**

Licences will normally be for driving both Hackney Carriages and Private Hire Vehicles. The licence will last for a period of three years but the Council can grant licences for a lesser period if deemed appropriate.

The information submitted as part of the application process will be shared, when applicable, with other Council Departments and external statutory bodies e.g. Police, HM Customs & Excise.

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.

## **Fit and Proper Person**

All drivers must satisfy the Council that they are fit and proper people to be granted a driver's licence, to drive a hackney carriage or private hire vehicle, and 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).

The term "Fit and Proper Person" for the purposes of taxi and Private Hire licensing is not legally defined. However, in determining whether a person is fit and proper to hold a licence, those tasked with determining licences / applications are effectively asking the following question of themselves:

"Would you allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?"

If the answer to the question is an unqualified 'yes', then the person can be considered to be fit and proper. If there are any doubts in the minds of those who make the decision, then further consideration should be given as to whether a licence should be granted to that person.

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 the following factors:

- Criminality
- Period of holding a driver's licence
- Number of endorsed driving licence penalty points
- 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 and integrity).
- Theoretical knowledge of issues and matters related to the work of a licensed driver.
- Immigration Status of the applicant

In addition the Council will also consider further information sources such as the Police (including abduction notices), Children and Adult Safeguarding Boards, other Licensing Authorities and statutory agencies.

## **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 Schedule 4.
- 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 Customer Service Centre for a copy to be taken. Failure to provide may result in suspension of their licence or a renewal application being refused.
- 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.

### **Driver Knowledge Test**

In order to determine fitness to hold a licence, applicants for a driver's licence are required to pass a written knowledge test. The purpose of this test is to check your knowledge of the Borough of Charnwood and surrounding areas, the Councils Licensing Policy and conditions, basic numeracy, Highway Code, Customer Care and the ability to read, understand and write English.

Any driver whose license has lapsed or been revoked will be required to retake the test before the licence is reinstated.

Any driver, who has their licence suspended for any period of time, if they have not previously taken the test, will be required to take the knowledge test before a new licence is granted.

All new applicants are required to pass the written test first, before completing anything further on their application. Drivers 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 appear to be experiencing difficulty in completing the test Officers will seek to ascertain why? Facilities will be made available if an applicant is dyslexic for example, (provided medical proof is available) for the applicant to take the test with two licensing staff where the test is delivered verbally by one officer, rather than written, with the candidates answers being recorded by the second officer. If due to a language barrier, the applicant will be advised to seek a better understanding of English before continuing to re-sit the test, e.g. completing an English speaking course.

### **Practical Driving Test**

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

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 Schedule 5.

A summary of the test are;

- approximately an hour in length,
- consist of a question and answer section
- involves a practical driving test, which will include specific manoeuvres.
- Proof of identification documents and your DVLA driving licence
- Eyesight test.
- Cost is paid by the driver and applicants deal directly with the provider(s)

This test and the Councils Written Knowledge test must be passed before a hackney carriage/private hire licence will be issued to you.

### **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, Group 2 Standards of Medical Fitness as applied by the DVLA, to the licensing of lorry and bus drivers is required as the appropriate standard for licensed Hackney Carriage and Private Hire drivers.

A medical examination is required on the first licence application and then every 3 years from when first licensed and annually after 65. For drivers with Diabetes, or insulin treatment (see Schedule 5)

Applicant's and current drivers are to undergo medicals through their own GP. The applicant will be responsible for paying the fee for the examination to the relevant surgery. The medical certificate will be produced to the Council, in the case of a new applicant, before the application form is accepted and in the case of a renewal before the renewal of the licence is granted. 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 (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 as soon as practical from the moment the person became 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.

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

A licence application will not be accepted / processed unless all elements of the application process have been completed.

### **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 medical condition, which is aggravated by exposure to dogs, may apply to the Council for exemption from these duties on medical grounds and must provide evidence from their GP. If an application is successful they will be issued with an exemption certificate, and also be issued with 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.

## Disclosure & Barring Service (DBS) Disclosures

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

An Enhanced Disclosure provided by the Disclosure and Barring Service 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 that a person poses a risk to public safety.

The Disclosure Barring Service application procedures are detailed in Schedule 5 of this policy.

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

Charnwood Borough Council is an accredited Disclosure Barring Service and the applicants can deal with the Disclosure Barring Services through the Council.

All applicants for the grant or renewal of a licence 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 a 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).

Drivers must produce the DBS disclosure to the licensing section within 3 months of its date of issue.

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.

If a licence holder requires a Disclosure Barring Service Disclosure on a regular basis for different organisations a licence holder can subscribe to the Disclosure and Barring Service Online Update Service. Any costs associated with maintaining this or the annual check must be met by the licence holder. The licence holder must give

permission for the council to undertake checks of their DBS status through the update service and the council will use the update service to monitor the criminal record of licence holders. The update service can be used when a licence is renewed – if there are no changes recorded on the DBS certificate then a full DBS check will not be required. In all other cases a full Enhanced DBS check will be required before a licence is renewed.

### **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.

Drivers from other countries 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.

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.

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.

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.

### **Relevance of Convictions and Cautions**

In relation to the consideration of convictions and cautions recorded against applicants, the Council will use the Enforcement, Convictions Scheme and Penalty Points Policy set out in Schedule 4.

### **Safeguarding Awareness Training**

Every new driver must undergo Safeguarding Vulnerable Passenger Training before a licence is issued. The training involves attending a training session at a location approved by the Council and the applicant will also complete and pass a test at the end of the session. Current licence holders will also undertake the training within twelve months of the renewal dates of their licence. Failure to pass the test will result in the applicant or renewing driver retaking the training session and re-paying the

appropriate fee. Should the applicant or current licence holder fail the test for a third time, in the case of the new applicant the application will be refused, in the case of the application to renew their licence, the licence would be suspended until such time as passed.

**There is no refund for non-attendance or cancellation with less than 24 hours' notice.**

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.

### **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 clean and in good condition.

### **Driver Conduct**

Drivers must be professional, show courtesy and be respectful towards all members of the public, including fellow drivers and operators. Discriminatory behaviour on the grounds of race, religion, gender, age, disability or sexual orientation will not be tolerated.

Should a licence fee, paid by cheque, be dishonoured after a licence has been issued, you will be required to pay the required fee in full on the day the Council is notified of the dishonoured payment by either credit card or cash. Providing false or misleading information, including a dishonoured cheque, may result in Penalty Points being issued under the Enforcement, Convictions Scheme and Penalty Points at Schedule 4. Failure to honour the payment will result in suspension of that licence.

Smoking is not permitted in any licensed vehicle at any time. 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 Charnwood Borough Council Byelaws that are included at Schedule 6.

### **A 'Right to a licence' in the UK.**

Under the Immigration Act 2016, the Council require all applicants to provide documentary evidence to confirm that they have a 'right to a licence' in the UK. This means that someone is not disqualified by their immigration status from holding an operator or Private Hire/Hackney driver licence. The Home Office has compiled a list of acceptable documents which prove someone has the Right to hold a licence in the UK. This list is included in Schedule 5. Documents will fall into either **List A** or **List B**.

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 will need to provide either;

- a) Document(s) from List A, these documents show a permanent right to remain in the UK.; or
- b) Documents from List B, these documents show a temporary right to be in the UK.

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 only. If proof cannot be provided at the time of renewal the Council will allow the application to be made, but no licence will be granted until proof has been provided.

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. Any documents will be kept securely for the duration of the licence and for a further two years after the expiry of the last licence if renewal is not sought.

Further information can be found in Schedule 5.

**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.**

### **Application Procedure**

An application for a driver's licence must be made on the specified application form. The application procedure is set out in Schedule 5.

### **Grant and Renewal of Drivers Licences**

Application forms, supporting documents and appropriate fees must be submitted at least ten working days prior to the expiry of the previous licence. A licence will not be renewed without all supporting documentation being received and satisfying the requirements of this Policy.

If a licence has not been issued at the point when an existing licence expires, the licence holder must cease operating until the new licence has been received. Any subsequent application will be treated as a new application and drivers will be required to meet the standards required of a new driver.

### **Refusal to Grant**

If, for any reason, your application is refused, you will be notified of the decision in writing and advised as to the appeal procedure to the Magistrates Court. 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.

### **Convictions during period of licence**

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

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 within ten 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 Schedule 4 will be applied as part of the application process or for incidents occurring within the life of the licence.

## **4.0 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 operate a proportionate enforcement regime. In order to balance the promotion of public safety with the need to prevent unnecessary interference in a licence holder's business, the Council will only intervene where it is necessary and proportionate to do so, having regard to the Licensing Aims and Objectives outlined in Section 2.0 of this 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 Schedule 4, 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.

### **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.

The following powers are specifically delegated to the Head of Regulatory Services or to the Manager of the Licensing function

- In consultation with the Head of Regulatory Services and/or Chair or the Vice-Chair of the Licensing Committee, the suspension or revocation (either with immediate effect to protect public safety) in urgent situations, including when an arrest or charges relating to serious offences have been made or laid.
- refusal to renew existing licences
- refusal of new applications
- amendments to this Policy
- representation's regarding the application of the Policy or Conditions in individual cases.

The following powers are delegated to the Licensing Committee;

- The formulation and adoption of the Council's Hackney Carriage and Private Hire Licensing Policy
- Hearing applications or reviews of licenses when the Enforcement, Convictions Scheme and Penalty Points Policy at Schedule 4, require a Committee Hearing

## **5.0 Vehicles (Hackney Carriage and Private Hire)**

### **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.

Schedule 2 sets out the minimum standards of vehicle specification, which apply in respect of all licensed vehicle applications.

In general, vehicles will be licensed for the carriage of up to four passengers, but applications in relation to larger vehicles that can accommodate up to eight passengers will be accepted.

### **Intended use for Hackney Carriage vehicles**

The Town Police Clauses Act 1847 (TCPA'1847), and the Local Government (Miscellaneous Provisions) Act 1976 (LGMPA'76) provides the legal powers to licence and control the operations of hackney carriage vehicles.

Two legal cases involving the licensing of hackney carriages have highlighted a need to consider a Policy, to ensure that vehicles applying for a hackney carriage vehicle licence, predominantly operate within the area where the licence was issued.

If hackney carriage vehicles are working remotely from their licensing authority area, a number of potential issues follow. The licensing authority will not easily keep their licensed fleet under observation and will not be able to carry out its enforcement powers from a distance. The licensing authority where the hackney carriage has

chosen to operate will have no enforcement powers over the vehicle although it is being used in their area.

It is, therefore, normally desirable for an authority issuing licences to hackney carriages to be able to restrict the issuing of those licences to proprietors and drivers who are intending to ply for hire in that authority's area. Similarly it is desirable to be able to refuse to issue a licence to proprietors and drivers who do not intend to ply for hire, to a material extent, in the area of the licence grantor.

Applicants for new licences, renewals, transferee of a licensed hackney carriage vehicle and applicant's seeking to replace a licensed hackney carriage vehicle (lease vehicles) will be expected to demonstrate a bona fide intention to ply for hire within the Borough of Charnwood, by submitting and completing a declaration of 'Hackney Carriage of Intended Use Form'.

Each application will be decided on its own merits. However, there will be a presumption that applicants who do not intend to predominantly ply for hire within the administrative area of the Council, will not be granted a hackney carriage licence.

Where the applicant intends to ply for hire in the Borough of Charnwood, and is intending to trade in another authority's area for a substantial amount of time, then, subject to the merits of the application, the application will be refused.

### **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 both vehicles and drivers and Licensing Authority.

Drivers who, for medical reasons are unable to accept wheelchair passengers or accessibility animals 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.

### **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, and fails that test, will not be allowed to be re-submitted for a second test, which means that the vehicle will have to be taken off the road. The vehicle examiner conducting the test has the discretion to pass or fail any such vehicle submitted for a certificate of compliance test.

## **Environmental Considerations**

Vehicle licensing policies can and should support local environmental initiatives by, perhaps, setting vehicle emissions standards or promoting cleaner fuels. Schedule 2 makes it clear that LPG conversions to vehicles and electric/hybrid vehicles are acceptable.

## **Vehicle Testing**

A satisfactory Certificate of Compliance test, from an inspection carried out by the Council's nominated garage (s), must be produced for all vehicles. The garage(s) that carry out these tests on the Councils behalf are listed in Schedule 2. A further Certificate of Compliance test must be produced every six months as part of the Councils vehicle test requirements.

A Certificate of Compliance, pass certificate, from an inspection carried out at the 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.

In addition to the annual vehicle test, the vehicle must also be mechanically tested and inspected by a Council(s) every six months. This process is referred to as acquiring a six monthly interim test.

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

The Licensing Authority may undertake its own programme of inspections between formal vehicle tests, where an Officer is unsure as to a vehicle's compliance. The vehicle where required will be referred to a Council's garage(s) for a formal assessment. Where the testing requirements are not met, the Officer may either agree a period of time for rectification and re-inspection, or suspend the vehicle until rectification and re-inspection has occurred. The test will be at the owner's expense.

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.

With the safety of the public being a predominate factor of this Policy, 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, which could cause the vehicle damage to materially affect the safety performance or appearance of the hackney carriage or private hire or the comfort or convenience of persons carried therein.

For vehicles the Enforcement, Convictions Scheme and Penalty Points Policy at Schedule 4 will be applied as part of the application process or for incidents occurring within the life of the licence.

### **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. These can be found in Schedule 2 for Vehicles. They 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.

### **Signage and Advertising**

#### **Signage**

'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.

### **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 driver.

### **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 or driver.

### **Commercial Advertising**

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

One commercial advert will be permitted on each of the rear side panel of saloon cars, wheelchair accessible vehicles and people carriers. The advert must be identical on both sides of the vehicle.

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.

### **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.

### **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.

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

The type of work undertaken must be 'executive' in nature. This means that the vehicle is used specifically to provide transport under a written contract to a company or person, or by the type of clients who for security or personal safety reasons would not want the vehicle to be identifiable. On applying for a Private Hire (Vehicle) Exemption the proprietor/operator of the vehicle must submit an application. A copy of the contract supplied by the customer, requesting that the vehicle be unidentifiable as a licensed private hire vehicle, for the work to be carried out under the exemption, including the reasons for the request, must also be submitted.

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

In addition to the plate and Certificate of Exemption being carried at all times in the vehicle, the plate bracket, and the door signs must also be carried.

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'. Any other/additional private hire work performed using that vehicle will result in the plate being displayed on the bracket, and the door signs being displayed on the vehicle (the use of magnetic signs to display the door signs will be allowed).

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.

### **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 may carry no more than eight passengers and meet the requirements of the Act.

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 the additional conditions detailed in Schedule 2.

Vehicles with this license are exempt from certain of the license and signage requirements as detailed in Schedule 2. 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.

### **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.

### **Wedding Vehicles**

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

### **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.

### **Dual Plating**

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

## Application Procedures

The Council will consider all applications for vehicle licences on their own merits. The procedure for dealing with applications for private hire and hackney carriage vehicles is set out in Schedule 5. A vehicle must initially pass a Certificate of Compliance test and continue to pass Certificate of Compliance test every six months to remain licensed.

## Grant and Renewal of Vehicle Licences

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

Application forms, supporting information and appropriate fees should be submitted at least ten 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.

When applying for a new vehicle licence or renewal of the vehicle licence the application must be accompanied by the following original documentation;

- A Registration document (V5) in the applicant's name or an equivalent V5C on the DVLA demand scheme for fleet vehicles ; or
- A finance agreement in the applicant's name, identifying the subject vehicle;\* (This will only be accepted for a new vehicle put on the road in the first year, after that a registration document in your name must be produced, otherwise the vehicle application will not be accepted); or
- A properly completed business/traders receipt of bill of sale, clearly identifying the vendor, the purchaser (who should be the applicant) and the subject vehicle:\* (Again, this will only be accepted for a new vehicle put on the road in the first year, after that a registration document in your name must be produced, otherwise the vehicle application will not be accepted);

(\*For occasions where the vendor sends the registration document to the DVLA, upon the purchase of the vehicle).

- Original Certificate of Compliance issued by the Garage(s)
- Current original certificate of Insurance or Cover Note. No faxes will be accepted. The Insurance Cover will not be accepted if there is less than 7 days to its expiry. (see page 18)
- The appropriate licence fee.
- In the case of a private hire vehicle, where the owner does not hold his own private hire operator's licence, an operator authorisation form, signed by the private hire operator.

- In the case of a Hackney Carriage Vehicle, the original taxi meter calibration certificate issued and if a private hire vehicle with a meter fitted, the original meter calibration certificate.

On the occasion of a lease vehicle being supplied and licensed by an insurance company or their agents, the application will be made by the applicant (driver) with the owner of the vehicle shown as the leasing company. The driver must be the named driver on the insurance document.

Handwritten receipts purporting to be from the vendor of the vehicle following a private sale will not suffice. It will be the applicants' responsibility to ensure that the proof of ownership or lawful possession meets the requirements above at the time of making the application; otherwise the application will not be accepted.

When submitting renewal applications, applicants should be aware that it may take up to ten working days to process and issue a licence. It may also take time to undertake any repairs necessary and retest a vehicle if it fails at the testing station. If a licence has not been issued at the point when an existing licence expires, the licence holder must cease operating until a NEW licence can be issued.

The vehicle shall be examined by such person or persons as may be from time to time appointed by the Council. The frequency of such examination and testing will not exceed three times in any period of twelve months. The tests will include checks upon compliance with standards set in this policy and the vehicle conditions and an MOT test.

### **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.

### **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.

## 6.0 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 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 Schedule 5 re 'right to licence')

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.

### **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 Scotland (visit [www.disclosurescotland.co.uk](http://www.disclosurescotland.co.uk)) or telephone 03000 2000 40).
- Immigration Status(see Schedule 5 re 'right to licence')

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 and Basic Disclosure's will be undertaken every 3 years.

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. The training involves attending a training session at a location approved by the Council and the applicant will also complete and pass a test at the end of the session. Failure to pass the test will result in the applicant re taking the training session and re-paying the appropriate fee. Should the applicant fail the test for a third time, in the case of the new applicant the application will be refused.
- Relevant original documentation to provide 'right to licence' (refer to Schedule 5)

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.

### **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 Convictions Scheme Schedule 4 will be applied to applicants with convictions.

### **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. An application will be considered where the applicant can show at least 3 years free from such convictions although if the applicant has more than one such conviction then a period of at least 5 years will apply.

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.

### **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. A reference will be required from the applicant's bankers to this effect. In respect of existing licensed operators, a financial reference will only be required if the Council believes that they may not be solvent or of good financial standing.

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.

### **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
- 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.

### **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.

If an existing driver/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.

### **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.

### **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.

## **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 continue to have grandfather rights to that agreement unless they let their existing operator's licence lapse). Written planning permission for the premises to be used as a private hire booking office should be obtained from Charnwood Borough Council Planning Department **prior** to submitting an application for a private hire operator's licence. Where planning permission is deemed unnecessary then evidence of this must be produced in writing.

Once the appropriate Planning Approval has been obtained the application can be considered. 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.

## **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.

## **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 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 (Schedule 4), concerns over financial reference 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 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.

### **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, written confirmation from their banker confirming that they are of good financial standing 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, or for any other reasonable cause.

## **7.0 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 Carriage Fares, set by the Council, are a maximum. 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 Charnwood Borough 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 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 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. 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.

## **8.0 Meters**

All hackney carriages are required to be fitted with a taximeter installed by an 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 Charnwood Borough Council compliant.

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

## **9.0 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 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 legislation provides that fees charged to applicants can cover most of the costs to the Council in providing the licensing services. This includes the administration of applications, and ensuring compliance by licensees within the Hackney Carriage and Private Hire trade.

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.

## **10.0 Examiners**

Mechanics who wish to test licensed private hire vehicles at an authorised garage(s) are required to obtain an examiner's badge from the Councils Licensing Section. An examiner is required to request an application pack. Once ready to apply they need to make an appointment with the Licensing Team to provide their application, their original DVLA licence, DVLA check code (please note this code is only valid for 21 days), original DVSA testers badge and certificate, along with 1 passport sized photograph. Please see Schedule 1 for further information.

## **11.0 Equal Opportunities**

You 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.

## **12.0 Change in Policy/Conditions**

The Council may add or amend any Licence Condition.

You must, subject to below, 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.

If within 21 days of receiving written notice of a new or amended condition you appeal to the Magistrates' Court against it you will not have to comply with the condition until the appeal is determined or abandoned.

## **Schedule 1**

### **Licence conditions for drivers of hackney carriage and private hire vehicles**

#### **Introduction**

All drivers' licences allow the driver to drive both hackney carriages and private hire vehicles and are issued for a 3 year period unless the Council deems otherwise. However some of these conditions will only apply when the licensed driver is driving a particular type of vehicle as detailed in the conditions.

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.

#### **Drivers Personal Conditions**

##### **Driver Conduct**

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

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.

##### **Convictions**

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

Convictions will be considered as detailed in the Enforcement, Convictions and Penalty point's scheme.

A driver must declare any convictions including simple cautions and spent convictions (including motoring convictions). If any convictions are undeclared the licence will not be granted or if already granted will be revoked.

A licensed driver must give the Council written notification of any new criminal convictions or simple or conditional cautions within 10 working days of the conviction. This includes any driving licence endorsements.

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

If a driver is 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 within 10 working days of accepting the offer of a fixed penalty.

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.

### **Enforcement, Convictions and Penalty Points Scheme**

Drivers holding a licence and who commit an offence or breach these licence conditions or certain of the vehicle licence conditions will be subject to the Council's penalty point's scheme. New applicants for a licence will also be considered against the scheme.

### **Passengers**

#### **Transporting**

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

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**

Passengers must receive a written receipt on request.

## **Fares - *Hackney Carriages Only***

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.

## **Fares - *Private Hire Vehicles Only***

### **Private Hire Vehicles with Meters**

The current tariff must be displayed where it can easily be seen by passengers.

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.

### **Private Hire Vehicles without Meters**

The passenger cannot be charged more than the charge that was agreed between the passenger and The Operator before the Vehicle was hired.

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.

### **Licence Plates**

The driver must ensure that both the vehicle internal licence inside the Vehicle and the Plate outside the Vehicle are clean and can be easily seen.

### **Changes of driver details**

If you change address the Council must be informed in writing of your new address and the licence returned 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 Charnwood BC within 10 working days.

### **Operation of these conditions**

Breaches of these conditions will be subject to the application of the Penalty Points system however the Council reserves the right to take any appropriate regulatory action in addition to or instead of the penalty Points system.

## **Schedule 2**

### **Licence Conditions for Hackney Carriage and Private Hire Vehicles**

It is the vehicle license 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 hire and stretch limousines.

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

#### **Current Garages**

The vehicle must pass the Certificate of Compliance test. These tests are carried out, on the Council's behalf, by:-

Shreeve's Garage, Limehurst Avenue, Loughborough – 01509 263644  
R.E. Mills Motor Engineers, Town Green Street, Rothley – 01162 302295  
ARK Motors, 38 Cossington Road, Sileby – 01509 812269

#### **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.

Imported vehicles must meet one of the following standards

- European Whole Vehicle Type Approval
- British National Type Approval
- Individual Vehicle Approval

Engine capacity must not be less than 1200cc, with at least 4 doors and must be right hand drive.

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.

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.

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

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.

### **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 an authorised 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 Licensing Authority.

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

### **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.

### **Vehicle Equipment**

The vehicle shall carry the following equipment:

- The manufacturer's 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.

### **Vehicle Signage**

The vehicle must comply with the Council's Policy for signage and advertising.

### **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.

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.

### **Meters**

#### **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.

### **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.

The proprietor of the vehicle shall not use the vehicle, or permit it to be used as a private hire or hackney carriage vehicle unless a policy of insurance appropriate for its use is in force.

On request of an authorised officer, the proprietor or driver shall produce a certificate of insurance for examination, or within 10 working days of such a request produce it at the Licensing Counter of the Council.

### **Wheelchair Accessible Vehicles**

Any vehicle that is capable of conveying a wheelchair user 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.

### **Accidents**

Should the vehicle be involved in **ANY** accident the licensee will notify the council within 72 hours of any accident to such hackney carriage or private hire causing damage materially affecting the safety, performance, or appearance of the hackney carriage or private hire vehicle or the comfort or convenience of persons therein.

## **Convictions**

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.

## **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.

## **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.

## **Exempt Vehicles**

Must meet the standards required in the Hackney Carriage and Private Hire Licensing Policy.

## **Stretch Limousines**

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. 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.

Vehicles with this licence are exempt from certain of the license and signage requirements as stated in the Hackney Carriage/private Hire Policy. They may choose to carry no signage.

### **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.

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

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.

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.

### **Alterations**

Any of the requirements stated in these conditions may be altered at the discretion of the Council. Further advice and guidance may be obtained from the Licensing Section.

## Schedule 3

### Hackney Carriage and Private Hire Licensing Policy

#### Operators' Conditions

##### Conditions of Licence

If you breach any of the conditions contained in this Licence, penalty points may be awarded under Schedule 4 of the Policy, which may result in the suspension or revocation of your licence.

You must be aware of the provisions of the Local Government (Miscellaneous Provisions) Act 1976. Other legislation may also affect your 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. You must check the extent to which you or 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.

If the Council intends to make any changes to the standard conditions it will consult all existing operators and other stakeholders. Any comments received will be considered prior to any changes being made.

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. 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 Charnwood Borough 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.

## **YOUR DUTIES AS AN OPERATOR**

### **Vehicles**

Each Private Hire Vehicle that is operated under the terms of your 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.

### **Drivers**

You 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.

### **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.

### **Nuisance**

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

### **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.

### **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 can be easily seen by passengers. 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.

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.

### **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.

### **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.

#### **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. You must record:-

- 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.

## 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 licence is not 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 anti-social behaviour order made against you.

- Any County Court judgements relating to sex, race or disability discrimination
- 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. The Council will allow the use of mobile telephone numbers. However bookings for private hire vehicles can only be accepted at the premises stated on the licence, not whilst mobile or away from the base.

- 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**

Should a licensed private hire Operator wish to either change or add premises then planning permission for the new premises must be obtained if necessary or written confirmation provided to the Licensing Officer that planning permission is not required. Notification of such a change must be made to the Council, in writing, at least 21 days in advance of the change.

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 you lose your Licence document you must write to the Council to let them know as soon as you are aware that you have lost it. A fee is payable for a replacement.

## **Complaints**

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

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

## **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.

## **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 Schedule.

## **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.

## **Police check**

On first application for a licence, you will be required to undergo to submit a Statutory Declaration and Basic Disclosure from Disclosure Scotland, unless you are also licensed by the Council to drive hackney carriages or private hire vehicles and you have already undergone a check with the DBS;

- provide a Statutory Declaration; and
- Provide a Basic Disclosure from Disclosure Scotland (visit [www.disclosurescotland.co.uk](http://www.disclosurescotland.co.uk)) or telephone 03000 2000 40).
- Immigration status (refer to Schedule 5)

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.

After first application, you will be required to undergo submit a further Statutory Declaration and Basic Disclosure every three years (“the anniversary date”). You will be sent a written reminder at least eight weeks before the anniversary date. The onus is on you to ensure that you do undergo and submit a further Statutory Declaration and Basic Disclosure. If you fail to apply for a Statutory Declaration and Basic Disclosure or delay in doing so, then the Council may take action against you.

The Council will not accept a Basic Disclosure or Statutory Declaration that is more than 3 months old from the date of issue.

## Schedule 4

### Enforcement, Convictions Scheme and Penalty Points

#### Introduction

The purpose of this policy is to provide guidance on the criteria taken into account by the council in respect of convictions when determining whether or not an applicant is a fit and proper person to be granted a hackney carriage and/or private hire driver or private hire operator's licence. The policy will also apply to existing licence holders, where the licence holder has been convicted of an offence during the life of their licence and where the conduct of the licence holder raises questions as to their fitness.

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

This policy provides guidance to any person with an interest in taxi and private hire licensing. In particular, but not exclusively:

- Applicants for Drivers' licences/Operators licence
- Existing licensed drivers whose licences are being reviewed
- Licensing Officers
- Local Authority Legal Advisors
- Magistrates hearing appeals against local authority decisions

Where licensing officers have delegated powers to grant licences, they will utilise these guidelines when making a decision to grant a licence. In all other cases applications for licences and decisions in respect of existing licences will be referred to the Licensing Manager. Whilst officers will have regard to the guidelines contained in the policy, **each case will be considered on its individual merits and, where the circumstances demand, the officers may depart from the guidelines.**

The sanctions that are available to be applied are to suspend, revoke, and in the case of a renewal application, refuse to renew the licence (See 4 below). In addition, where a licensed driver accumulates 6 or more points on their DVLA driving licence, consideration will be given to requiring the driver to undertake a further Driving Standards Agency (*currently looking for new provider*) driving test as an alternative to attending a hearing at which their fitness to continue to hold a licence would be considered.

## General policy

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

A person with a conviction for a serious offence 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
- 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 existing licence holders, the Licensing Manager, will take into account the principles set out below in respect of whether a licence would be granted or an appropriate period free of conviction should have passed before a licence is granted.

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.

A suspension or revocation of a driver's licence( under sub section 61(2a) takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver. If it appears, that the interests of public safety require the suspension or revocation of the licence to have immediate effect, (under Section 61(2b), the notice given to the driver should include a statement that this is so and an explanation why. The suspension or revocation takes effect when the notice is given to the driver. (Pursuant to the Road Safety Act 2006, S52, 2a &2b) Where possible such notice will be served personally. Where this is not possible notice will be given by post.

**Where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction** Nottingham City Council v. Mohammed Farooq (1998).

## 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 within 21 days of the notice of refusal – Local Government Miscellaneous Provisions Act 1976, s 77 (1).

## **Powers**

Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allow the licensing authority to suspend, revoke or refuse to renew a licence if;

- the application/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.

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 recent pattern of repeat offending.

In this policy the term "disqualification" refers to the period served, in order to take account of the fact that a court may reduce the period of disqualification from driving. An applicant must provide evidence in advance to prove that the court agreed a reduction in the period of disqualification.

## **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:

- How 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 authority in writing within 10 working days of receiving a driving licence endorsement, fixed penalty notice or criminal conviction (including cautions). Where a licensed driver accumulates 6 or more points on their DVLA driving licence, consideration

will be given to requiring the driver to undertake a further Driving Standards Agency driving test. This option would be offered to the driver as an alternative to attending a hearing at which their fitness to continue to hold a licence would be considered

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 licensing authority conducts enhanced disclosures from the Disclosure Barring Service (DBS) of any applicant for a driver licence. The licensing authority follows the DBS's Code of Practice on the fair use of disclosure information. A copy is available on request.

Applicants applying for the grant or a renewal of a drivers' licence will be required to obtain an enhanced disclosure at their expense. The licensing authority abides by the DBS's Policy on the secure storage, handling, use, retention and disposal of disclosure information, which is available on request.

More information about the Disclosure Barring Service can be found by searching for Disclosure and Barring Service at [www.gov.uk](http://www.gov.uk)

The licensing authority is also entitled to use other records and information that may be available, in determining applications or an entitlement to continue holding a licence. This may include information held by the licensing authority or other licensing authorities.

It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence. Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.

### **Serious offences involving violence**

Licensed drivers have close regular contact with the public. A firm line will be taken with those who have convictions for offences involving violence. An application will normally be refused if the applicant has a conviction for an offence that involved the loss of life.

In other cases anyone with a conviction of a violent nature will normally be refused to be licensed until at least 3 years free of such conviction. However, given the range of the offences that involve violence, consideration must be given to the nature and circumstances of the conviction.

Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for an offence such as:

- Murder
- Manslaughter
- Manslaughter or culpable homicide while driving
- Terrorism offences

- Or any similar offences involving violence (including attempted or conspiracy to commit) offences which replace the above

A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the offences below and the conviction is less than 10 years prior to the date of application:

- Arson
- Malicious wounding or grievous bodily harm which is racially aggravated
- Actual bodily harm which is racially aggravated
- Grievous bodily harm with intent
- Robbery
- Possession of firearm
- Riot
- Assault Police
- Common assault with racially aggravated
- Violent disorder
- Resisting arrest
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the offences below and the conviction is less than 5 years prior to the date of application:

- Racially-aggravated criminal damage
- Racially-aggravated offence
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the offences below and the conviction is less than 3 years prior to the date of application:

- Common assault
- Assault occasioning actual bodily harm
- Affray
- S5 Public Order Act 1986 offence (harassment, alarm or distress)
- S.4 Public Order Act 1986 offence (fear of provocation of violence)
- S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Obstruction
- Criminal damage
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

A licence will not normally be granted if an applicant has more than one conviction in the last 10 years for an offence of a violent nature.

In the event of a licence being granted, despite convictions against the applicant, a strict warning both verbally and in writing should be administered. If a warning is issued, this will remain in place for a period commensurate with the time periods in the relevant sections above.

### **Possession of a weapon**

If an applicant has been convicted of possession of a weapon or any other weapon related offence, this will give serious concern as to whether the person is fit to carry the public.

Depending on the circumstances of the offence, an applicant should be free of conviction for 3 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), before a licence is granted.

### **Sex and indecency offences**

As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinised. Those with convictions for the more serious sexual offences will generally be refused. For other offences, applicants will be expected to show a substantial period (normally at least 5 years) free of conviction for such offences before a licence will be granted.

- (a) Unless there are exceptional circumstances, an application will normally be refused where the applicant has a conviction for an offence such as:
- Rape
  - Assault by penetration
  - Offences involving children or vulnerable adults
  - Or any similar offences of an indecent nature (including attempted or conspiracy to commit) offences which replace the above
- (b) Before an application is allowed, an applicant should be free of conviction for at least 10 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), if he/she has a conviction for an offence such as:
- Sexual assault
  - Indecent assault
  - Possession of indecent photographs, child pornography etc.
  - Exploitation of prostitution
  - Trafficking for sexual exploitation
  - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above
- (c) Before a licence is granted, an applicant should be free of conviction for at least 3 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), if he/she has a conviction for an offence such as:

- Indecent exposure
- Soliciting (kerb crawling)
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

A licence will not normally be granted if an applicant has more than one conviction for a sex or indecency offence.

In addition to the above the licensing authority will not normally grant a licence to any applicant who is currently on the Sex Offenders Register.

### **Dishonesty**

A licensed driver is expected to be a trustworthy person. In the course of their working duties, drivers will deal with cash transactions and valuable property may be left in their vehicles. Drivers are required to deposit such property with the Police within 24 hours. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in licensed drivers. Drivers may well deal with customers who are vulnerable or intoxicated and potentially easily confused. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal or agreed fare, etc. Overseas visitors can be confused by our currency and may be vulnerable to an unscrupulous driver. For all these reasons, a serious view is taken of any conviction involving dishonesty.

In general, a minimum period of 3 years free of conviction or at least 3 years from completion of sentence (whichever is longer) should be required before granting a licence. Offences involving dishonesty include:

- Theft
- Burglary
- Fraud
- Benefit fraud
- Handling or receiving stolen goods
- Forgery
- Conspiracy to defraud
- Obtaining money or property by deception
- Other deception
- Taking a vehicle without consent
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

### **Drugs**

A serious view is taken of any drug related offence. The nature and quantity of the drugs, whether for personal use or supply are issues which should be considered.

A licence will not normally be granted where the applicant has a conviction for an offence related to the supply of drugs and has not been free of conviction for 5 years.

A licence will not normally be granted where the applicant has more than one conviction for offences related to the possession of drugs and has not been free of conviction for 5 years.

An application from an applicant who has an isolated conviction for an offence related to the possession of drugs within the last 3-5 years may be granted a licence, but consideration should be given to the nature and quantity of the drugs.

If there is evidence of persistent drugs use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) may be required before the licence is granted. If the applicant was an addict then they would normally be required to show evidence of 5 years free from drug taking after detoxification treatment.

### **Driving offences involving the loss of life**

A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life.

A licence will not normally be granted unless the applicant is free of conviction for 7 years or (or at least 3 years must have passed since the completion of the sentence, whichever is longer) if he has a conviction for:

- Causing death by dangerous driving
- Causing death by careless driving whilst under the influence of drink or drugs
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

Before a licence is granted, an applicant should be free of conviction for 3 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), if he has a conviction for:

- Causing death by careless driving
- Causing death by driving: unlicensed, disqualified or uninsured drivers

### **Drink driving/driving under the influence of drugs**

As licensees are professional vocational drivers, a serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or drugs. An isolated incident would not necessarily debar an applicant from proceeding on the restoration of his DVLA driving licence but he should be warned as to the significant risk to his licence status in the event of re-offending.

More than one conviction for these offences raises significant doubts as to the applicant's fitness to drive the public. At least 3 years, after the restoration of the driving licence following a drink drive conviction should elapse before an application will be considered.

If there is any suggestion that the applicant is alcohol or drug dependent, a satisfactory special medical report must be provided before the application can be allowed to proceed.

### **Outstanding charges or summonses**

If the individual is the subject of an outstanding charge or summons their application can continue to be processed, but the application will need to be reviewed at the conclusion of proceedings.

If the outstanding charge or summons involves a serious offence and/or the individual's conviction history indicates a possible pattern of unlawful behaviour or character trait, then in the interests of public safety the application may be put on hold until proceedings are concluded or the licence may be refused.

### **Non-conviction information**

If an applicant has, on more than one occasion, been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration should be given to refusing the application. Such offences would include serious violent offences and serious sex offences.

In assessing the action to take, the safety of the travelling public must be the paramount concern.

### **Cautions**

Admission of guilt is required before a caution can be considered.

Every case will be considered on its own merits including the details and nature of the offence. Cautions will be held on the council's records for a period of three years and may be relied on by the Council where necessary.

### **Licensing offences**

Certain offences under taxi legislation such as plying for hire, overcharging and refusing to carry disabled persons would normally prevent a licence being granted or renewed until a period of 3 years has passed since .

### **Insurance offences**

A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided he/she has been free of conviction for 3 years; however strict warning should be given as to future behaviour. More than one conviction for these offences would normally prevent a licence being granted or renewed.

At least three years should elapse (after the restoration of the DVLA driving licence), before a licence would normally be granted for a hackney carriage or private hire drivers licence. An operator found guilty of aiding and abetting the driving passengers for hire and reward whilst without insurance will have his operators' licence revoked immediately and prevented from holding a licence for three years.

## **Overseas residents**

### **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) and drivers 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 (who isn't a driver) or a 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.

### **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.

### **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. As the preceding paragraphs indicate, in most cases, an applicant would be expected to remain free from conviction for 3 to 10 years, according to circumstances, before an application can be considered. However, there may be occasions when an application can be allowed before 3 years free from conviction have elapsed.

Any person who has committed an offence and has to wait before an application is positively considered is more likely to value their licence and act accordingly.

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. Obviously some discretion can be afforded if an offence disclosed is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.

### Road Traffic Offences

The Courts can fine you and 'endorse' your driving record with penalty points if your 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
<b>Accident Offences</b>		
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
<b>Disqualified Driver</b>		
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
<b>Careless Driving</b>		
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
<b>Construction and Use Offences</b>		
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

<b>Reckless/Dangerous Driving</b>		
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
<b>Drink</b>		
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
<b>Drugs</b>		
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
<b>Insurance Offences</b>		
IN10	Using a vehicle uninsured against third party risks	6 to 8
<b>Licence Offences</b>		
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
<b>Miscellaneous Offences</b>		
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
<b>Motorway Offences</b>		
MW10	Contravention of special roads regulations (excluding speed limits)	3
<b>Pedestrian Crossings</b>		
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
<b>Speed Limits</b>		
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
<b>Traffic Direction &amp; Signs</b>		
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
<b>Special Code</b>		
TT99	Shows disqualification under 'totting-up' – if the total of penalty points reaches 12 or more within 3 years, the driver can be disqualified.	
<b>Theft or Unauthorised Taking</b>		
UT50	Aggravated taking of a vehicle	3 to 11
<b>'Mutual Recognition' Codes</b> – 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](http://www.direct.gov.uk)

## **Penalty point scheme**

### **Introduction**

The purpose of this policy is to provide guidance on the application of the penalty points system.

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

This policy provides guidance to any person with an interest in taxi and private hire licensing. In particular, but not exclusively:

- Applicants for drivers' licences
- Existing licensed drivers, proprietors and operators (licensee)
- Licensing officers
- Local Authority Legal Advisors
- Magistrates hearing appeals against local authority decisions

### **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.

The penalty points scheme will be applied by the licensing enforcement officers by means of written notice being given to the licensee setting out the number of points that have been applied, when the enforcement officer is satisfied that a breach has been identified. These points will be approved by the Licensing Manager prior to issue. Points issued to either the owner of a vehicle, operator or driver will be confirmed in writing within 10 working days from the decision. The decision to record points will only be made after discussion with the licence holder as part of the investigation into the alleged breaches. 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.

Penalty points will be removed from the record after 12 months, or following a hearing.

Where an individual licensee reaches 12 penalty points, in a rolling 12 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.

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 hearing

### **Appeals**

Any licensee who is awarded penalty points has the right to appeal. Any licensee who is awarded penalty points has the right of appeal, in respect of the individual points to the Head of Regulatory Services 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

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 allow the licensing authority 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 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 Authorised Officer or a Police Officer	12	✓	✓
13	Using a vehicle for which the licence has been suspended or revoked	12	✓	✓

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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	Displaying unsuitable or inappropriate sited signs or advertisements in or on the vehicle	3		✓
21	Failure to use authorised roof light	4	✓	
22	Using a non-approved 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	Driver not holding a current DVLA licence	12	✓	✓
31	Failure to wear drivers badge	4	✓	
32	Failure to notify, in writing, a change in medical circumstances	6	✓	✓
33	Unsatisfactory appearance of driver	3	✓	
34	Failure to observe rank discipline	3	✓	
35	Failure to maintain proper records of Private Hire vehicle	3		✓

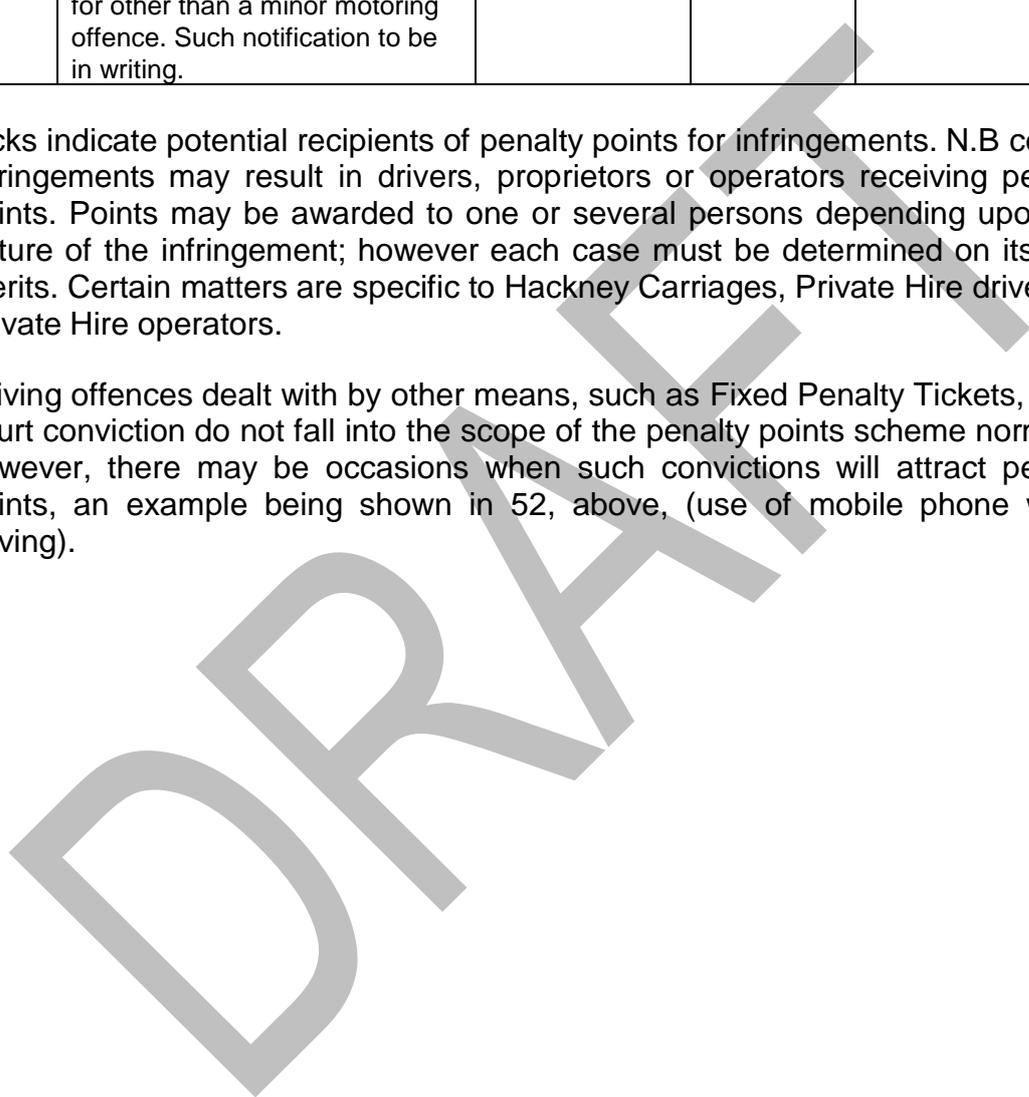
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36	Failure to keep or produce records of Private Hire bookings or other documents required to be kept or produced	6		✓
37	Misleading use of the words 'Taxi' or 'Cab' on advertising materials	3		✓
38	Failure to issue receipt on request	12	✓	✓
39	Failure to return vehicle licence plate within 7 days after due notice following expiry, revocation or suspension of such licence	4		✓
40	Unsatisfactory behaviour or conduct of driver	12	✓	
41	Failure to notify the Council, in writing, of any motoring or criminal convictions within 10 working days of conviction or cautions during period of current licence	6	✓	✓
42	Failure to behave in a civil and orderly manner	12	✓	✓
43	Failure to give assistance with loading/unloading luggage to or from any building or place	12	✓	✓
44	Failure to display fare card	3	✓	✓
45	Failure to carry manufacturer's original design of equipment to deal with punctured tyres and maintained in usable condition	4	✓	✓
46	Failure to attend punctually at appointed time and place without sufficient cause	4	✓	✓
47	A licensed vehicle with a bald tyre	4 per tyre	✓	✓
48	Failure to submit a licence renewal application including documents and attendance at a vehicle inspection	6	✓	✓
49	Failure to comply with any other conditions	3	✓	✓
50	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	✓	
51	Driving while using a mobile phone	9	✓	
52	Sounding your horn in a way to cause alarm, harassment or distress to others	3	✓	
53	Failure to ensure that all wheelchairs being carried in a licensed vehicle have been	6	✓	

	correctly loaded, secured and unloaded			
54	Failure to comply with wheelchair requirements including provision of ramps and straps	4	✓	✓
55	Failure to hand in lost property to a police station	3	✓	
56	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 points 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).



## Schedule 5

# Hackney Carriage and Private Hire Licensing Policy Application Guidance

### Introduction

This guidance should be used by anyone wishing to obtain a combined Hackney Carriage/private hire vehicle driver's licence which will enable them to drive a hackney carriage/private hire vehicle licenced with the Borough of Charnwood. The licence is valid for three years.

This guidance also includes information in respect of licensing a vehicle to be used as a private hire or a hackney carriage.

### Enforcement Measures

The Council recognizes that well directed enforcement activity by the Council benefits the public and the members of the hackney carriage/private hire trade.

The Council aims to operate a consistent and proportionate enforcement regime to balance the need of public safety alongside that of an individual's business. In order to ensure compliance with the Council's Hackney Carriage and Private Hire Policy a 'Enforcement, Convictions Scheme and Penalty Points Policy will be used, included in your application pack as Schedule 4. This aims to serve not only as an early warning system to drivers and should be read carefully on application but also as a consistent and transparent means of enforcement.

Licence holders are reminded that penalty points can be awarded to both the drivers and proprietor of a vehicle, depending on the circumstances.

### To be able to apply for a licence

Due to the application process, you must be able to;

- Read and write
- Have held a full driving licence (not a provisional) for at least 12 months
- Have a good knowledge of the Charnwood and surrounding areas
- You must be a fit and proper person

### Starting the Application

Charnwood Borough Council operates a Contact Centre and Customer Service Centre and they will deal with the front line queries for Licensing.

You need to visit the Council Offices and see a Customer Service Advisor, who will take your details to register you as a new client and then give you an application pack. Although this pack can be posted to you it is preferable if you can visit the Customer Service Centre within Charnwood Borough Council Offices, Southfield

Road, Loughborough, Leicestershire, LE11 2TX, to obtain the pack and a member of the Customer Services Team can talk you through the paperwork and obtain your details to create a client record.

Once you have your application pack and should you need further information you can ring the Contact Centre on 01509 634562, or email [licensing@charnwood.gov.uk](mailto:licensing@charnwood.gov.uk)

The Council Offices are open;

Monday to Thursday – 8.30am to 5.00pm  
and  
Friday -8.30am to 4.30pm.

### **New Application / or Expired Drivers Licences.**

To apply for a new licence you need to collect an 'Application Pack for new licence' from a Customer Service Advisor. At this time you will be given a complete application pack including;

- Register as client
- DVLA Data Protection Mandate
- Right to Licence advice
- Written Knowledge Test details
- 'Driving Practical Test' details
- DBS and Certificate of Good Conduct Advice in Schedule 1. (you will need to request a DBS form once you are ready for this stage)
- Medical Form
- Application Guidance (this schedule)
- Fee Sheet
- Hackney Carriage and Private Hire Licensing Policy and Schedules
- Charnwood Borough Council bye-laws

### **Application Form**

The application form is intended to help you provide your personal details and guide you through the application process alongside these guidance notes.

A 'recommended process' of application can be found in your application pack which **must** be read in full alongside this Schedule ( Schedule 5) to;

- a) ensure you are eligible to apply; and
- b) provide a step by step guide for each requirement in the relevant order.

### **A 'Right to a licence' in the UK.**

Under the Immigration Act 2016, the Council require all applicants to provide documentary evidence to confirm that they have a 'right to a licence' in the UK. This means that someone is not disqualified by their immigration status from holding an operator or Private Hire/Hackney driver licence. The Home Office has compiled a

list of acceptable documents which prove someone has the Right to hold a licence in the UK. This list is included in Schedule 5. Documents will fall into either **List A** or **List B**.

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 will need to provide either;

- a) Document(s) from List A, these documents show a permanent right to remain in the UK. ;or
- b) Documents from List B, these documents show a temporary right to be in the UK.

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 only. If proof cannot be provided at the time of renewal the Council will allow the application to be made, but no licence will be granted until proof has been provided.

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. Any documents will be kept securely for the duration of the licence and for a further two years after the expiry of the last licence if renewal is not sought..

Further information can be found in Schedule 5.

**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.**

## The fair way to check

It is illegal to discriminate on grounds of race, colour, ethnic or national origin, or nationality. No presumptions about a person's right to work in the UK will be made based on a person's background, appearance or accent. Each applicant will be required to comply with the Right to Licence Policy and provide the necessary documentation.

The following link can be used to check an individual's right to work;

<https://www.gov.uk/legal-right-work-uk>

## Failure to comply

An application for the first grant of 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 to prove their Right to Licence in the UK then, upon expiry of this document, if it is in 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 of that their hackney carriage/private hire drivers licence is due to expire due to the expiry date of the 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.

## Documents to establish eligibility to a 'Right to Licence' in the UK.

<b>LIST A - No restrictions on right to work in the UK. Once you have undertaken the necessary check once, you will not have to repeat the check when you subsequently apply to renew or extend your licence.</b>	
1.	A passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the United Kingdom and Colonies having the right of abode in the UK.
2.	A passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area (EEA) country or Switzerland.
3.	A Registration Certificate or Document Certifying Permanent Residence issued by the Home Office to a national of a European Economic Area country or Switzerland
4.	A Permanent Residence card issued by the Home Office to the family member of a national

	of an European Economic Area country or Switzerland.
5.	A <b>current</b> Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder, indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
6.	A <b>current</b> passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK or has no time limit on their stay in the UK.
7.	A <b>current</b> immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK, <b>together with</b> an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or previous employer.
8.	A <b>full</b> birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, <b>together with</b> an official document giving the persons permanent National Insurance Number and their name issued by a Government agency or previous employer.
9.	A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, <b>together with</b> an official document giving the persons permanent National Insurance Number and their name issued by a Government agency or previous employer.
10.	A certificate of registration or naturalization as a British citizen, <b>together with</b> an official document giving the persons permanent National Insurance Number and their name issued by a Government agency or a previous employer
List B: Restrictions on right to work in the UK. These documents are subject to statutory limitations and a licence may be issued up to the expiry date of the permission to work. You will need to produce the documents to check immigration status/Right to work each time you apply to renew or extend your licence.	
1.	A <b>current</b> passport endorsed to show that the holder is allowed to stay in the United Kingdom and is currently allowed to do the type of work in question.
2.	A <b>current</b> Biometric Immigration Document (Biometric Residence Permit), issued by the Home Office to the holder which indicates that the named person can currently stay in the United Kingdom and is allowed to do the work in question.
3.	A <b>current</b> Residence card (including an Accession Residence Card or a Derivative Residence Card) issued by the Home Office, to a non-European Economic Area national who is a family member of a national of a European Economic Area country or Switzerland or who has a derivative right of residence.
4.	A <b>current</b> Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the United Kingdom, and is allowed to do the type of work in question, <b>together with</b> an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or previous employer (e.g. P45, P60, National Insurance Card).
Documents – documents where there is a restricted time limited of 6 months.	
1.	A Certificate of Application issued by the Home Office under regulation 17(3) or 18A(2) of the Immigration (European Economic Area) Regulations 2006, to a family member of a national of a European Economic Area country or Switzerland, stating that the holder is permitted to take employment, which is <b>less than 6 months</b> old, <b>together with Verification</b> from the Home Office Evidence and Enquiry Unit. The licence may be granted for six months from the date of the Certification of Application.
2.	A <b>Verification</b> issued by the Home Office, Evidence and Enquiry Unit to you which indicates that the named person may stay in the UK because they have an in time application, appeal or administrative review and which is outstanding. The licence may be issued for six months from the date of the licence decision.

## **DVLA Licence**

To be able to obtain a Licence you need to provide a full driving licence (not a provisional license) 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 copy of this licence will be taken at the time you submit the DVLA Data Protection Mandate (see below) with appropriate fee, to the Council's Licensing Section.

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 Customer Service Centre for a copy to be taken. Failure to provide may result in suspension of their licence or a renewal application being refused.

### **DVLA – Data Protection Mandate.**

The DVLA Mandate is included within your Licence application pack. You will need to visit the Customer Service Centre at the Council Offices to submit this document and pay the appropriate fee. This document is to be completed by the applicant, **IN BLACK INK** to confirm his/her entitlement to drive. The signature used **MUST** match that on the applicants DVLA licence and must include your current address (if you have recently moved address, and your current address differs to that shown on your DVLA licence, you must include both addresses). Forms not completed correctly or not signed will not be accepted and may delay your application.

This form needs to have been returned by DVLA before any licence can be issued.

### **Hackney Carriage/Private Hire Drivers Licence- Knowledge Test**

To obtain a combined hackney carriage/private hire drivers licence you must pass a written knowledge test. The purpose of this test is to test your knowledge of the Borough of Charnwood and surrounding areas, licence conditions, basic numeracy and the ability to read, understand and write English.

The knowledge test is a written test.

The written test comprises of three sections with questions on;

- 1) The law relating to hackney carriages and private hire vehicles and the Council's licence conditions;
- 2) Geographical areas in and around Charnwood, and
- 3) Customer Care.

A score of 80% (8 out of 10 questions correct) in each section will be required. If a driver passes one paper and fails two, he/she will be required only to re book and pay the appropriate fee at time of booking, to re-sit the papers failed. ( please note a different paper's in each category will be used on re-attendance). An applicant must pass all 3 sections of the written test to obtain their hackney carriage/private hire

drivers licence, prior to providing other document. ( please refer to the 'recommended process' with your application pack).

**There is no refund for non-attendance or cancellation with less than 24 hours notice.**

**What should the applicant bring with them to take the test?**

For the written test the applicant should bring with them their full application form and photographic identification, which must be either a DVLA photo card licence or a passport.

The written test will be overseen by Licensing/Enforcement Officers who will check the applicant's identification and details completed on the form. The form will then be ripped off the back of the your application form, which will be returned to you for later submission, and the remainder of the knowledge test form will be completed by the Licensing/Enforcement Officer taking the written test.

On attending the written test the applicant will be given 3 papers and the number of each paper recorded so that if they fail they can be given different papers at the re-test. The invigilating officers will record these paper numbers on the relevant sheet of the knowledge test form. Once the papers are marked the results will be noted and the paperwork returned to the Licensing Section.

No mobile telephones will be allowed to be switched on during the written test. Mobile phones during the written test must be placed on the table in front of the applicant.

Nor will anyone be allowed to accompany applicants in to the written test

**When will I know the result?**

Applicants will be given the result of the written test within 5 working days. The licensing assistants will telephone applicants and advise them of the results and if an applicant has successfully passed he/she will be advised how to proceed.

**What if I fail?**

If an applicant fails the written part they will need to retake the failed paper(s) and pay the appropriate fee at time of booking. An applicant may retake the test (on payment of a fee) as many times as he/she likes with arrangement of the Licensing Section.

Should an applicant appear to be experiencing difficulty in completing the test Officers will seek to ascertain why. Facilities will be made available if an applicant is dyslexic for example, (provided medical proof is available) for the applicant to take the test with two licensing staff where the test is delivered verbally by one officer, rather than written ,with the candidates answers being recorded by the second officer. If due to a language barrier, the applicant will be advised to seek a better understanding of English before continuing to re-sit the test, e.g completing a English speaking course.

Knowledge tests are held according to demand at the Council Offices on times and dates to be arranged. Applicants who fail to keep a test appointment or who arrive late will not be permitted to sit the test, the test fee will not be refunded and it will be treated as a failure.

To assist in preparation for the test, you are advised to study;

- Licence conditions for licensed Hackney Carriage/Private hire drivers;
- Licence conditions for vehicles
- Street guides for the Charnwood Borough Area.
- Basic numeracy
- Best Practice/Advisory Notes
- Customer Care
- Charnwood Borough Council – Bye-Laws Hackney Carriages.

### **Best Practice/Advisory Notes for the Knowledge Test.**

Private hire vehicles must be booked via an operator. A private hire vehicle driver is not allowed to use his radio to book a customer a private hire vehicle. All bookings must go through the operator base and be made by the actual person wishing to hire the private hire vehicle.

Should you lose or misplace your hackney carriage/private hire driver's licence or your vehicle licence you need to report the loss to the Council's Licensing Section immediately and purchase a replacement.

Your **DBS** Check is required every **3 years** once you are a licensed Hackney Carriage/Private hire driver. The Council does accept criminal record checks from other organisational bodies, such as Leicester City, provided they are the original Enhanced and no more than 3 months old and have been processed in relation to the child and adult workforce employment position (as specified on the disclosure).

You cannot carry more passengers in the vehicle than the number specified on your vehicle licence plate and licence.

Before starting work a driver should check that the vehicle he/she is driving is safe, tyres, lights, seats, general maintenance, oil, windscreen wipers, wash fluid and that the vehicle is carrying all the required items under the Hackney Carriage/Private hire vehicle policy.

The driver should also check that he/she has both his/her hackney Carriage/private hire driver's licence badges with him/her and that he/she wears one at all times whilst working and displays the second on the dashboard of the vehicle.

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 Charnwood Borough Council.

Only a Charnwood licensed hackney carriage/private hire vehicle driver can drive Charnwood licensed vehicle. All signs on the hackney carriage/private hire must be self-adhesive.

No magnetic signs are acceptable. Magnetic door signs may be used on an exempt vehicle. Magnetic door signs may be used on a temporary lease car licensed by Charnwood Borough Council, provided that the Council has given prior written approval.

As the driver of the vehicle you are responsible for securing a wheelchair passenger in a licensed vehicle.

### **Customer Care**

When carrying a disabled passenger, one of the most important things to do, is talk to your passenger to find out if any assistance is needed and if yes, provide it to the best of your ability.

If another motorist cuts across your path forcing you to brake, whilst carrying a passenger, the first action you should take is check that your passenger is safe and all right.

If a passenger requests a receipt you should write on the receipt, name of business, date, fare, where to and from and your signature as driver before handing it to them.

You should not carry a wheelchair in a hackney carriage vehicle sideways. 'Medical Devices Agency' states wheelchair users should not travel with the wheelchair sideways.

When you have a wheelchair passenger on board your licensed vehicle you should drive smoothly and progressively, avoiding sharp cornering, hard braking and sudden acceleration.

If you are requested to pick up a person from their home, on arrival, you should go to their door, as they may have hearing difficulties, mobility problems or be elderly and require your assistance.

If you arrive at your next pick up and you see that the passenger is in a wheelchair, which won't fit in your vehicle, you need to explain the situation to the passenger, contact your operator and request that a larger vehicle be sent as soon as possible. If a suitable vehicle is not available the operator will need to contact another operator and see if they have a suitable vehicle available.

You have taken your passenger by the most direct route to their destination and when you request the fare, the passenger states that they think you have overcharged them. You must assure the passenger that this is the correct fare by showing them the meter, ask for the fare to be paid and provide them with contact details of your operator and licensing authority should they wish to complain.

You have a booking in the next 10 minutes from a home address and due to heavy traffic you are likely to be late. You should contact your operator and advise them that you are possibly going to be late and request they contact the customer and advise them of the facts.

Your next pick up is from a customer's house. You arrive at the house and it is in darkness and looks empty, what should you do? You should park the vehicle, go to the house and knock and wait for an answer.

You arrive at your pick up to discover that there are 5 passengers whilst your vehicle is only licensed for 4, what should you do? You should explain the situation to your passengers that your vehicle is only licensed for 4, and offer to call for a larger vehicle or a second vehicle from your operator. Contact your operator and explain the situation to them.

### **Practical Driving Test**

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

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.

A summary of the test are;

- approximately an hour in length,
- consist of a question and answer section
- involves a practical driving test, which will include specific manoeuvres.
- Proof of identification documents and your DVLA driving licence
- Eyesight test.
- Cost is paid by the driver and applicants deal directly with the provider(s)

The current provider for the practical driving test is 'The Blue Lamp Trust' who for enquiries, can be contacted on 0333 700 0157, Monday to Friday 09.30 – 15.00. All bookings should be made online using the orange box on the link; [https://www.bluelamptrust.org.uk/Driver\\_Training/taxi\\_driver\\_assessment.php](https://www.bluelamptrust.org.uk/Driver_Training/taxi_driver_assessment.php)

This test and the Councils Written Knowledge test must be passed before a hackney carriage/private hire licence will be issued to you.

## **Criminal record check & Certificate of Good Conduct**

### **Disclosure and Barring Service (DBS)**

A check with the Disclosure and Barring Service in accordance with the provisions of Section 47 of the Road Traffic Act 1991 will be required on initial application and every three years thereafter to maintain your hackney carriage/private hire driver's license. This will be made using the Disclosure & Barring Service and the driver will be responsible for any charge required by the service.

Before an application for a driver's license will be considered the applicant must provide a current (less than 3 months old) enhanced DBS disclosure.

Under the recommended process, it is recommended that the Disclosure Barring Service Check is not completed until such time as the applicant has completed and passed their written knowledge test and driving practical test. The Disclosure has an expiry of three months and the applicant will incur additional cost if a further disclosure is required. By completing the above tests before applying for the disclosure this will save costs and ensure its received within the 3 month deadline.

You will need to request by telephone or attend the Customer Service Centre to collect a Disclosure Application form. A separate appointment will be required to submit your completed Disclosure, have your identification documents (see guidance enclosed with the Disclosure Form) checked by a Customer Service advisors and pay the appropriate fee. If the disclosure application and identification are accepted they will then be passed to the Licensing Team for countersignatory and posting .

### **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.

Drivers from other countries 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.

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.

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. 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.

### **Safeguarding Awareness Training**

Every new driver must undergo Safeguarding Vulnerable Passenger Training before a licence is issued. The training involves attending a training session at a location approved by the Council and the applicant will also complete and pass a test at the end of the session. Current licence holders will also undertake the training within twelve months of the renewal dates of their licence. Failure to pass the test will result in the applicant or renewing driver retaking the training session and re-paying the appropriate fee. Should the applicant or current licence holder fail the test for a third time, in the case of the new applicant the application will be refused, in the case of the application to renew their licence, the licence would be suspended until such time as passed.

**There is no refund for non-attendance or cancellation with less than 24 hours' notice.**

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.

### **Medical**

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

Applicant's and current drivers are to undergo medicals through their own GP. The applicant will be responsible for paying the fee for the examination to the relevant surgery. The medical certificate will be produced to the Council, in the case of a new applicant, before the application form is accepted and in the case of a renewal before the renewal of the licence is granted. Such certification must be less than three months old. (refer to 'recommended process' as to when to complete medical)

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 (should he/she wish to use the same medical examination for his hackney carriage/private hire licence).

If there is any doubt that a driver remains medically fit, the Council may require the applicant to undergo further medical examination at the applicants own expense.

No licence shall be issued until medical clearance has been established. A licence application will not be accepted / processed unless all elements of the application process have been completed.

### **Insulin Treated Diabetes**

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 or insulin. If the answer to either of those questions is yes the driver needs to;

If diagnosed as requiring treatment by insulin or managed by tablets, which carry a risk of inducing hypoglycaemia, the driver will need to inform the Council as soon as possible and provide written confirmation 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 driver has full hypoglycaemic awareness;
- the driver must show adequate control of the condition by regular blood glucose monitoring, 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.;
- there are no other declaring complications of diabetes.

Licensees 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 that;
  - 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.

### **Renewal Applications for Drivers**

A driver's licence is valid for 3 years and approximately 8 weeks prior to expiry a renewal application and reminder will be sent to you .

On renewal you will need to bring the following with you;

- Completed application form
- DVLA licence
- Disclosure & Barring Service application form and Certificate of Good Conduct (if required)
- Medical, Group Two requirement, form to be completed by own Doctor (if required) (see advice for above for diabetes if appropriate).
- The appropriate fee

## Application Form

The application form is intended to help you provide your personal details and guide you through the application process alongside these guidance notes.

### DVLA Licence

You need to provide your full driving licence (not a provisional licence) each time you renew. A copy of this licence will be taken on each renewal and you will be asked to complete and submit the DVLA data protection mandate.

### DVLA – Data Protection Mandate.

This form is to be completed by an individual, **IN BLACK INK**, to confirm his/her entitlement to drive. It must be filled in and signed in all cases by the driver. Forms not completed correctly or not signed will not be accepted and may delay your application.

Payment of the appropriate fee will need to be paid at the time of submission

### Vehicles

#### Grant and Renewal of Vehicle Licences

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

Application forms, supporting information and appropriate fees should be submitted at least ten 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.

When applying for a new vehicle licence or renewal of the vehicle licence the application must be accompanied by the following original documentation;

- A Registration document (V5) in the applicant's name or an equivalent V5C on the DVLA demand scheme for fleet vehicles; or
- A finance agreement in the applicant's name, identifying the subject vehicle;\* (This will only be accepted for a new vehicle put on the road in the first year, after that a registration document in your name must be produced, otherwise the vehicle application will not be accepted); or
- A properly completed business/traders receipt of bill of sale, clearly identifying the vendor, the purchaser (who should be the applicant) and the subject vehicle:\* (Again, this will only be accepted for a new vehicle put on the road in the first year, after that a registration document in your name must be produced, otherwise the vehicle application will not be accepted);

(\*For occasions where the vendor sends the registration document to the DVLA, upon the purchase of the vehicle).

- Original Certificate of Compliance issued by the Garage(s)
- Current original certificate of Insurance or Cover Note. No faxes will be accepted. The Insurance Cover will not be accepted if there is less than 7 days to its expiry. (see page 18)
- The appropriate licence fee.
- In the case of a private hire vehicle, where the owner does not hold his own private hire operator's licence, an operator authorisation form, signed by the private hire operator.
- In the case of a Hackney Carriage Vehicle, the original taxi meter calibration certificate issued and if a private hire vehicle with a meter fitted, the original meter calibration certificate.

On the occasion of a lease vehicle being supplied and licensed by an insurance company or their agents, the application will be made by the applicant (driver) with the owner of the vehicle shown as the leasing company. The driver must be the named driver on the insurance document.

Handwritten receipts purporting to be from the vendor of the vehicle following a private sale will not suffice. It will be the applicants' responsibility to ensure that the proof of ownership or lawful possession meets the requirements above at the time of making the application; otherwise the application will not be accepted.

When submitting renewal applications, applicants should be aware that it may take up to ten working days to process and issue a licence. It may also take time to undertake any repairs necessary and retest a vehicle if it fails at the testing station. If a licence has not been issued at the point when an existing licence expires, the licence holder must cease operating until a NEW licence can be issued.

The vehicle shall be examined by such person or persons as may be from time to time appointed by the Council. The frequency of such examination and testing will not exceed three times in any period of twelve months. The tests will include checks upon compliance with standards set in this policy and the vehicle conditions and an MOT test.

### **Exempt Hire Cars**

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

This is covered in the Policy and Schedule 2. On first establishing that this is the type of vehicle you wish to drive you need to contact the licensing section and discuss vehicle options and the type of executive vehicle you wish to use.

The vehicle will undergo a test the same as that of a private hire but the driver must advise the testing station that it is to be used for Exempt Hire. The paperwork received in the licensing section will advise that the vehicle is to be used as Exempt hire.

### **Vehicle Test for hackney Carriages/Private Hire Vehicles.**

All hackney carriages and private hire vehicles will need to undergo a Certificate of Compliance. These are to be carried out by an approved garage listed in Schedule 2.

Vehicles should be booked in at least a minimum of 3 weeks prior to their vehicle plate/licence expiring. If driver/operators choose to leave bookings to nearer the expiry date they may not be able to be booked in prior to their vehicle's expiry date.

You will need to give the following details when booking your vehicle in for a vehicle test;

- Details of the operator you work for
- Registration of vehicle
- Make and model of vehicle
- Licence plate details if a renewal.

On attending the vehicle test you will need to produce the following documents

- Meter calibration certificate if meter fitted
- V5 Document in the applicant's name or equivalent V5C and the DVLA demand scheme for fleet vehicles
- Vehicle insurance if 6 monthly compliance check.

The cost of the test can be paid by cheque, cash or card to the Garage itself. The use of a credit card incurs an additional charge.

**LICENSING COMMITTEE – 25TH OCTOBER 2016****Report of the Head of Regulatory Services****Part A****ITEM            PROPOSED NEW HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY**Purpose of Report

To request the Licensing Committee to approve a new Hackney Carriage and Private Hire Licensing Policy which is the consolidation, formalisation and updating of various conditions, guidance and procedures that have been used by Charnwood Borough Council.

Recommendations

1. That the new draft Hackney Carriage and Private Hire Licensing Policy, set out in Appendix A, be approved prior to consultation with the public and trade.
2. That the Head of Regulatory Services be given delegated authority to make minor amendments and alterations to the draft policy and procedures during the consultation period.

Reasons

1. To ensure that the Council has a policy that sets out the requirements and standards that must be met and guides the Council in the way that it carries out its functions.
2. To ensure that minor amendments to the policy, can be made in a timely manner by the Head of Regulatory Services, prior to the final draft being reported back to Licensing Committee.

Policy Justification and Previous Decisions

This Policy is concerned with the application of powers exercised by Charnwood Borough 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. The Policy brings together previous decisions made by the Licensing Committee into one document.

Implementation Timetable including Future Decisions

A consultation period will begin in November 2016, with the Hackney Carriage/Private Hire Trade and the public seeking their comments. Any significant changes and representations would be brought back to the next meeting of the Licensing Committee in February 2017 for consideration alongside the final Policy for approval prior to implementation in April 2017.

## Report Implications

The following implications have been identified for this report.

### *Risk Management*

The risks associated with the decision the Licensing Committee is asked to make and proposed actions to mitigate those risks are set out in the table below.

Risk Identified	Likelihood	Impact	Risk Management Actions Planned
Failure to consult upon and implement a new Hackney Carriage and Private Hire Licensing Policy would result in the Council not having a consistent, transparent and robust licensing policy.	Low	Medium	If significant changes and representations are received in respect of the new policy the Licensing Committee will be able to consider these prior to final approval.

### *Financial Implications*

The reduction of the three badges, hackney, private hire and dual to one combined badge will see an initial drop of income but this would be balanced by the introduction of a new written Knowledge Test for all new drivers, where all tests and re-sits must be paid for and the introduction of Safeguarding Awareness training for all new drivers and operators and existing drivers on renewal.

It is anticipated that there would be no net loss of overall income.

### *Equality and Diversity*

A review of the Equality Impact Assessment has been undertaken and no significant issues have been found that need incorporating into the existing assessment.

Background Papers: Equality Impact Assessment

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## Part B

### Background

1. Hackney carriage and private hire vehicles have a specific role to play in an integrated transport system. They are able to provide services in situations where public transport is either not available (or outside “normal”; hours of operation such as in the evenings or on Sundays), and/or for those with mobility difficulties.
2. The aim of licensing the hackney carriage and private hire vehicle trade is, primarily, to protect the public as well as to ensure that the public have reasonable access to these services, because of the part they play in local transport provision. It is important that the authority’s hackney carriage and private hire licensing powers are used to ensure that licensed vehicles in the Borough are safe, comfortable, properly insured and available where and when required.
3. The Council has responsibility for licensing hackney carriage and private hire vehicles, drivers and operators within the borough of Charnwood. It has traditionally exercised this responsibility through a number of different policies, guidance and procedures that have been developed over a significant number of years
4. The proposed Hackney Carriage and Private Hire Licensing Policy, draft is attached in Appendix A, is intended to ensure that both the trade and the public have a document that fully explains the licensing policy and procedure.

### Objectives

5. The Council seeks to promote the following objectives, through the licensing process:
  - 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.
6. When considering each of the requirements detailed in the policy, 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.
7. The aim of the licensing process, in this context, is to regulate the hackney carriage and private hire trade in order to promote the above objectives. It is the Council’s wish to facilitate professional and responsible businesses, which display sensitivity to the wishes and needs of the general public.

## Policy Status

8. In exercising its discretion in carrying out regulatory functions, the Council will have regard to this policy document. This policy will provide Council officers who are required to administer the licensing function, with appropriate guidelines within which to act.
9. Notwithstanding the existence of this policy, each application or enforcement measure will be considered on its own merits.
10. The Council acknowledges that the existing hackney carriages and private hire vehicles and drivers set a high standard of appearance and performance. This policy seeks to reinforce the high standards for all new licence holders joining the trade and explain the full range of enforcement options available should they be needed.
11. A copy of the Hackney Carriage and Private Hire Licensing Policy is attached at Appendix A of the report.
12. Whilst this Policy does bring together previous policy decisions and controls, there are a number of additional requirements that are proposed to be introduced. These changes are summarised below.

## Drivers

13. Change to a combined badge for all drivers. Currently drivers can either have a hackney, private hire or dual badge. A combined badge will be introduced for all hackney and private hire drivers which will allow them to drive either type of licensed vehicle. This will remove individual hackney and private hire driver badges and will reduce the cost for a number of drivers, whilst allowing more flexibility for drivers and companies with a mixed fleet of licensed vehicles. It will also enable the Licensing Authority to cover conditions for drivers in one go. (Note it does not remove the differences between a hackney (that can ply for hire) and a private hire (that must be pre booked).
14. Temporary badges will stop being issued to drivers. The Disclosure and Barring Service Check (DBS), medicals and DVLA checks are to be completed prior to renewal by existing drivers (if details of all checks submitted then badge renewed). All checks to have been submitted and received satisfactorily for new drivers.
15. Drivers' Licences, Vehicle licences and Operators need to be renewed prior to expiry date or they will be treated as new applicants.
16. Removal of Highway Code Test and Hackney Knowledge Test and introduction of a new Written Knowledge Test (three papers, law, customer care and geographical) based on the Council's Hackney Carriage and Private Hire Licensing Policy. All new drivers to take test and pass before continuing with rest of application. Test can be used as an enforcement measure with those drivers suspended or revoked being asked to take it prior to re-obtaining badge.

17. Previously Charnwood has allowed a person who couldn't obtain a Certificate of Good Conduct to produce references. This is proposed to be removed as references do not cover the period someone has lived abroad. Drivers from other countries 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 three months at time of presentation. The certificate of Good Conduct must be translated into English at their own cost. A Certificate of Good Conduct will also be required to be produced by any existing driver/operator who is out of the Country for more than three months. Therefore a driver application may be refused if they are unable to provide a satisfactory Certificate of Good Conduct.
18. Introduction of Safeguarding Awareness Training for all new drivers and existing drivers on renewal from 1st April 2017. All new private hire operators, who are not existing badged drivers will also need to undertake training.
19. All new drivers are expected to complete a practical driving test with the DVSA. The DVSA have advised that they will no longer be carrying out these tests with effect from the 31st December 2016. The Licensing Section are currently looking at new providers.
20. All new drivers are currently expected to complete an NVQ qualification within the first three years of their badge and the Licensing Section used three providers. The funding for the NVQs has now ceased and two providers have withdrawn their services. The remaining provider charges £500. No other Leicestershire Licensing Authority asks for the NVQ as a mandatory measure of their licence application. It is proposed to remove the requirement for the NVQ qualification.
21. All drivers will be asked to produce evidence of their 'Right to Work' in the UK.
22. Drivers will be required to inform the Council of any convictions or investigations under way.
23. The Convictions Scheme and Penalty Points have been made into one document, entitled Enforcement, Convictions Scheme and Penalty Points and parts of it rewritten into plainer English. The Penalty Points have also been amended to work alongside the Policy.
24. DVLA driver endorsement codes have been updated within the Enforcement, Convictions Scheme and Penalty Points and an additional code for dealing with vulnerable passengers introduced.
25. Completion of a 'Group 2' medical remains three yearly but it is proposed to introduce annual medicals from age of 65 (existing drivers on their medical if over 65 will become annual ones)
26. Medicals for HGV/PSV vehicles will be acceptable if no more than three months old when presented.

27. Medicals and Disclosure and Barring Service Disclosures need to be less than three months old from date of issue.

### Vehicles

28. Inclusion in Policy of previous guidance given as to signage allowed on private hire vehicles that reads, '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'.
29. To help eliminate any confusion over private hire and Hackney Carriages the 'Advanced Bookings Only' side signs that the Council issue to private hire vehicles must now be positioned either on the rear door under the back side window or on the rear panel. This is to ensure that all passengers see identifying livery of the vehicle.
30. Two self-adhesive side signs in white, to be issued to all Hackney Carriages in line with those given to Private Hire Vehicles (but without the Advanced Bookings Only written on them) to be placed on rear doors or rear panels to help differentiate a hackney from a private hire.
31. Front plates to be issued, alongside that of a rear plate, to all hackney carriage/private hire vehicles to help the public customer identify the vehicles as a licensed vehicle as it approaches them.
32. Clear signage and advertising guidelines for both hackney carriages and private hires to ensure a uniform livery for licensed vehicles to help assist public/customers identify the vehicles.
33. No window signage on vehicles allowed other than signs for non-smoking or food and drink not allowed.
34. Vehicles need to be tested prior to existing plate expiring. If vehicle passes test after date that existing plate expired, the vehicle becomes a new vehicle and needs to comply with the requirements of a grant of licence.
35. All new vehicles will require a compliance test removing the exemption of having less than 100 miles on the milometer.
36. No hackney carriage will be able to be left parked on a rank, removing the ability for a hackney to be left unattended when it occupies the first or second position on the rank.
37. A copy of the byelaws for 'hackney carriages in the Borough of Charnwood' will be made available as part of the new policy with points 8 to 16 being included within the Policy under Driver Conduct.

## Operators

38. All new operators will need to be based within the Borough of Charnwood. Existing Operators whose bases are outside the Borough can remain licensed outside the Borough (grandfather rights) unless they let their existing operator's licence expire, at which point they become a new operator and need to comply with the new grant conditions.
39. All new operators should obtain written confirmation prior to submitting an application, that planning permission is not required or if required, that they have obtained it.
40. All new operators will have to be 'fit and proper' to hold a licence. Any operator who is not already an existing Charnwood Borough Licensed Driver will need to provide:
  - A statutory declaration and Basic DBS.
  - A financial reference.
  - Two character references.
41. Any existing operator who allows their licence to expire will be treated as a new applicant and will also be required to complete the checks.

## Appendices

Appendix A	Hackney Carriage and Private Hire Licensing Policy
Appendix AA	Byelaw

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

Southfield Road, Loughborough,  
Leicestershire, LE11 2TX

Ask for: Licensing

Thursday, 24 November 2016

Contact Centre: 01509 634562

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

Dear Sir/Madam

**Proposed Hackney Carriage/Private Hire Policy –  
To come into effect 1<sup>st</sup> April 2017**

Charnwood Borough Council is undertaking a review of their Hackney Carriage and Private Hire Licensing Policy.

The Policy brings together previous policy decisions and controls, but there are a number of additional requirements that are proposed to be introduced. These changes are summarised below;

**Drivers**

1. Change to a combined badge for all drivers. Currently drivers can either have a hackney, private hire or dual badge. A combined badge will be introduced for all hackney and private hire drivers which will allow them to drive either type of licensed vehicle. This will remove individual hackney and private hire driver badges, will reduce the cost for a number of drivers, whilst allowing more flexibility for drivers and companies with a mixed fleet of licensed vehicles. It will also enable the Licensing Authority to cover conditions for drivers in one go. (Note it does not remove the differences between a hackney (that can ply for hire) and a private hire (that must be pre booked).
2. Temporary badges will stop being issued to drivers. A satisfactory Disclosure Barring Service Check (DBS), Medical and DVLA check are to be completed prior to renewal by existing drivers (if details of all checks submitted then badge renewed). All checks are required to have been submitted and received satisfactorily for new drivers prior to a licence being issued.
3. Drivers Licences, Vehicle licences and Operator licences need to be renewed prior to the expiry date of their existing licence or they will be treated as new applicants.
4. Removal of the Highway Code Test and Hackney Knowledge Test and introduction of a new Written Knowledge Test (three papers, law, Customer Care and Geographical) based on the Councils Hackney Carriage and Private Hire Licensing Policy. All new drivers are to take and pass the test before continuing with the rest of their application. The test can also be used as an enforcement measure, with those drivers suspended or revoked being asked to take it prior to re-obtaining their badge.



Telephone: 01509 263151

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

Visit us at [www.charnwood.gov.uk](http://www.charnwood.gov.uk)

5. Previously Charnwood has allowed a person who couldn't obtain a Certificate of Good Conduct to produce references. This is proposed to be removed, as references do not cover the period someone has lived abroad. Drivers from other Countries 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 their own cost. A certificate of Good Conduct will also be required to be produced by any existing driver/operator who is out of the Country for more than 3 months. Therefore a driver application may be refused if they are unable to provide a satisfactory Certificate of Good Conduct.
6. Introduction of Safeguarding Awareness Training for all new drivers and existing drivers on renewal from 1<sup>st</sup> April 2017. All new private hire operators, who are not existing badged drivers, will also need to undertake training.
7. All new drivers are expected to complete a practical driving test with the DVSA. The DVSA have advised that they will no longer be carrying out these tests with effect from the 31.12.16. The Licensing Section are currently looking at new providers and this requirement will continue with the new provider.
8. All new drivers are currently expected to complete an NVQ qualification within the first 3 years of their badge and licensing use to use three providers. The funding for the NVQ's has now ceased and two providers have withdrawn their services. The remaining provider charges £500. No other Leicestershire Licensing Authority asks for the NVQ as a mandatory measure of their licence application. It is proposed to remove the requirement for the NVQ qualification.
9. All drivers/operators will be asked to produce evidence of their 'Right to licence' in the UK. The introduction of the Immigration Act 2016 means that this requirement takes effect from the **1<sup>st</sup> December 2016. Additional information is enclosed as to what documentation you will be required to produce with your renewal application after this date. Failure to provide will result in your application not being accepted.**
10. 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 Customer Service Centre for a copy to be taken. Failure to provide may result in suspension of their licence or a renewal application being refused.
11. Drivers will be required to inform the Council of any convictions or investigations under way as soon as is practicable.
12. The Convictions Scheme and Penalty Points has been made into one document, re-entitled Enforcement, Convictions Scheme and Penalty Points and parts of it rewritten to make it clearer. The Penalty Points have also been amended to work alongside the Policy.
13. DVLA driver endorsement codes updated within the Enforcement, Convictions Scheme and Penalty Points and an additional code for dealing with vulnerable passengers introduced.
14. Completion of a 'Group 2' medical remains three yearly but it is proposed to introduce annual medicals from age of 65 (medicals for existing drivers, over 65, will become annual ones from their next expected medical date)
15. Medicals for HGV/PSV will be acceptable if no more than 3 months old when presented.

16. Medicals and Disclosure Barring Service certificates, when provided to the Licensing section, need to be less than 3 months old from date of issue.
17. Drivers are not allowed to smoke in a licensed vehicle at any time, even when not working. Drivers are not allowed to use E-Cigs within their vehicle at any time.

## **Vehicles**

18. Inclusion in Policy of previous guidance given as to signage allowed on private hire vehicles that reads, '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'
19. To help eliminate any confusion over private hire and Hackney Carriages the 'Advanced Bookings Only' side signs that the Council issue to private hire vehicles must now be positioned either on the rear door under the back side window or on the rear panel. This is to ensure that all passengers see a uniform and identifying livery of the vehicle.
20. Two self-adhesive side signs in white, to be issued to all Hackney Carriages in line with those given to Private Hire Vehicles (but without the Advanced Bookings Only written on them) to be placed on rear doors or rear panels to help differentiate a hackney from a private hire.
21. Front plates to be issued, alongside that of a rear plate, to all hackney carriage/private hire vehicles to help the public identify the vehicles as a licensed vehicle.
22. Clear signage and advertising guidelines for both hackney carriages and private hires to ensure a uniform livery for licensed vehicles to help assist customers identify the vehicles.
23. No window signage on vehicles allowed other than signs for non-smoking, food and drink or those approved as Council livery.
24. A vehicle needs to be tested prior to the existing plate expiry date. Failure to do so would result in the vehicle being treated as a new vehicle which would need to comply with the requirements of a grant of licence.
25. All new vehicles will require a compliance test, removing the exemption of having less than 100 miles on the milometer.
26. No hackney carriage will be able to be left parked on a rank, removing the ability for a hackney to be left unattended when it occupies the first or second position on the rank.
27. A copy of the byelaws for 'hackney carriages in the Borough of Charnwood' will be made available as part of the new policy with points 8 to 16 being included within the Policy under Driver Conduct.
28. Private hire vehicles without meters but whose operator uses a mobile app or other electronic device to set a tariff for a journey, then the means of setting that tariff should be visibly displayed in the vehicle e.g. 1<sup>st</sup> mile = £4.00 etc.

## **Operators**

29. All new operators will need to be based within the Borough of Charnwood. Existing Operators whose bases are outside the Borough can remain licensed outside the Borough (grandfather rights) unless they let their existing operator's licence expire, at which point they become a new operator and need to comply with the new grant conditions.

30. All new operators should obtain written confirmation prior to submitting an application, that planning permission is not required or if required, that they have obtained it.
31. All new operators will have to be 'fit and proper' to hold a licence. Any operator who is not already an existing Charnwood Borough Licensed Driver will need to provide;
- A statutory declaration and Basic DBS
  - A financial reference
  - Two character references
  - Immigration Status
32. Any existing operator who allows their licence to expire will be treated as a new applicant and will also be required to complete the checks listed above. Therefore; all renewal applications will need to contain correct vehicle and driver information on first submission, and prior to the renewal expiry date.
33. All drivers/operators will be asked to produce evidence of their 'Right to licence' in the UK. The introduction of the Immigration Act 2016 means that this requirement takes effect from the **1<sup>st</sup> December 2016**. **Additional information is enclosed as to what documentation you will be required to produce with your renewal application after this date. Failure to provide will result in your application not being accepted.**

The DRAFT revision of the Statement of Licensing Policy can be accessed on [www.charnwood.gov.uk/pages/taxi\\_licensing](http://www.charnwood.gov.uk/pages/taxi_licensing).

Hard copies are available from the Reception, Customer Service Centre, Charnwood Borough Council, Southfield Road, Loughborough, Leicestershire, LE11 2TX between the hours of 8.30am til 5.00pm Monday to Thursday, and 8.30 til 4.30pm on a Friday.

The consultation ends at **3.00pm** on the **23<sup>rd</sup> December 2016**. If you have any comments, please submit them **in writing** to the Licensing Section, Charnwood Borough Council, Southfield Road, Loughborough, Leicestershire, LE11 2TX.

### **Immigration Act 2016**

The Immigration Act 2016, added new sections to the taxi legislation which means that in addition to being a 'fit and proper person' an applicant for a drivers licence must not be disqualified from holding a licence, as a result of their immigration status.

**Please note that as from the 1<sup>st</sup> December 2016, both new applicants and renewal applicants will be required to bring relevant documentation to ensure their right to a licence.**

**Please read the attached information and familiarise yourself with the documents you will be required to bring at the time of your renewal of licence.**

Yours faithfully



Grace Dowson  
Licensing Manager