



Taxi Licensing Policy

Hackney Carriage and Private Hire Drivers

September 2018

**CONTROL SHEET FOR TAXI LICENSING POLICY:
HACKNEY CARRIAGE & PRIVATE HIRE DRIVERS**

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POLICY

1. Introduction

1.1 BACKGROUND

North East Derbyshire District Council has a responsibility for licensing hackney carriages and private hire vehicles, drivers and operators within the district of North East Derbyshire.

Any reference in this Policy to notifying, informing or otherwise contacting the Council means contacting the Council's Licensing Section.

Unless otherwise stated, where the term "Taxi" is used in this Policy it is a generic term including hackney carriages and private hire vehicles (which retain their specific meanings set out in the Glossary of Terms below).

1.2 ROLE OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

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

1.3 BEST PRACTICE GUIDANCE

The Department for Transport's Guidance considered views about what constitutes "Best or Good Practice" in terms of hackney carriage and private hire licensing. The Best Practice Guidance has, therefore, been used as an aid in shaping this policy. Regard has also been had to best practice learned from other local authorities.

1.4 CONSULTATION

There are a number of groups and organisations that have an interest in the provision of hackney carriage and private hire vehicle services, including the trade itself, residents and enforcers, all of whom have views and concerns that require consideration. In drawing up this policy, the Council has consulted with the following -

This list is not definitive -

- Authorities who border North East Derbyshire District Council
- Derbyshire County Council
- Other departments within North East Derbyshire District Council

- Members of North East Derbyshire District Council
- The hackney carriage and private hire trade including all licensed operators within the district
- Parish Councils
- Derbyshire Constabulary
- Derbyshire Police & Crime Commissioner
- Chief Fire Officer for Derbyshire
- Derbyshire County Council Trading Standards
- Derbyshire County Council Transport
- Child Protection Services (Safeguarding)

1.5 POWERS AND DUTIES

This Policy has been produced pursuant to the powers conferred by the Town Police Clauses Act 1847, Local Government (Miscellaneous Provisions) Act 1976 and other legislation under which the Council is the licensing authority for hackney carriage and private hire vehicles.

1.6 STATUS

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

Notwithstanding the existence of this policy and any other relevant Council policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Council to depart from its policy, reasons will be given for so doing.

2. Scope

In setting out its policy North East Derbyshire District Council seeks to promote the following objectives -

- the protection of public health and safety;
- the establishment of a professional and respected hackney carriage and private hire trade;
- access to an efficient and effective public transport service; and
- the protection of the environment.

The aim of this policy is to regulate hackney carriage and private hire vehicles in order to promote the above objectives.

3. Principles

The aim of licensing the hackney carriage and private hire vehicle trades is, primarily, to protect the public as well as to ensure that the

public have reasonable access to hackney carriage and private hire services because of the local transport provision.

It is important that the Council's powers are used to ensure that those who drive hackney carriages and private hire vehicles in the district are fit, safe and suitable.

4. Statement of Policy

4.1 PARALLEL PROCEDURES

The Council will usually issue combined Hackney Carriage & Private Hire Drivers' Licences.

The sections below apply equally to private hire and hackney carriage drivers unless stated otherwise.

4.2 AGE AND EXPERIENCE

In order to be licensed as a hackney or private hire vehicle driver, an applicant must hold 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 Council also requires all hackney carriage and private hire vehicle drivers who hold an EC/EEA driving licence to obtain a GB driving licence within 6 months of the grant of their licence.

A licence to drive a hackney carriage or private hire vehicle cannot be granted to a person who has not held a full driving licence for a period of 1 year or longer.

4.3 DRIVER TESTS

A licence to drive a hackney carriage or private hire vehicle will not be granted unless the Council is satisfied that the applicant is a fit and proper person.

In order to determine such fitness, applicants will be tested on various aspects of their knowledge and skills in order to help demonstrate that they are safe and suitable to hold a licence.

A non-refundable fee may be payable per test taken and/or retaken. Fees will not be refunded where a test booking is cancelled with less than 48 hours' notice.

Applicants can take no more than three tests in a 12-month period.

Applicants will be required to attend Council approved training in respect of both disability access and safeguarding. Drivers of Wheelchair Accessible Vehicles may be required to undergo additional training or examination.

4.4 DRIVING PROFICIENCY AND QUALIFICATIONS

Hackney carriage and private hire drivers are expected to have a higher standard of driving competency than the average driver.

All new applicants for hackney carriage and private hire vehicle driver licences may be required to pass such practical examination as the Council determines is appropriate prior to making their application.

Existing licensed drivers may be required to take such an assessment, either retrospectively or as part of a disciplinary process, and at their own cost, if it is felt appropriate by the Licensing Sub-Committee.

4.5 MEDICAL EXAMINATION

A medical examination by a General Practitioner (or other suitably qualified medical professional) to assess an applicant's fitness to drive a licensed vehicle is required before a licence may be granted. Applicants must provide a properly certified confirmation that they meet the DVLA Group 2 standard of medical fitness for professional drivers.

In addition to a medical examination undertaken at the time of applying, licence holders will be required to produce further medical certificates every 5 years, commencing at the first licence grant/renewal following their 45th birthday.

Licence holders over 65 must be examined annually.

The Council may reasonably require any licensed driver to provide additional certificates of medical fitness to drive, or any other relevant information, at any time where considered appropriate.

Licence holders must immediately advise the Council of any deterioration in their health, or of taking any medication, that may affect their driving capabilities.

Where there is any doubt as to the medical fitness of the applicant or an existing licensed driver, the Council may require the applicant to undergo and pay for a further medical examination by a nominated third party.

Any recommendations made by the doctor completing the driver's medical examination, at any stage in this process, will form additional

conditions to be added to the licence. This can be done by officers acting under delegated powers.

4.6 DISCLOSURE & BARRING SERVICE (DBS) DISCLOSURES

DBS Disclosures

An enhanced criminal record check on a driver is an essential safety measure.

Applicants for licences are required to disclose all convictions, including those that would otherwise have been regarded as spent under the Rehabilitation of Offenders Act 1974.

Failure to declare a conviction or other material fact may result in enforcement action, including immediate suspension or revocation of the licence pending investigation and may result in further legal action up to and including prosecution.

Before an application for a driver's licence will be granted, the applicant must provide a current Disclosure & Barring Service (DBS) check carried out via the Licensing Authority.

Applicants must apply for the DBS check through the Council and will be charged an appropriate fee. When the applicant for a DBS Disclosure receives the disclosure report at their home address, they will be required to provide the Council with the original certificate.

All applicants will also be required to sign up to the DBS Update Service at their own expense and to authorise the Council to carry out status checks using the Service. Licence holders will then be required to maintain the Service at all times while licensed. If the update service lapses they will be required to apply for a new DBS Disclosure and renew their Update Service subscription at their own expense. Failure to do so could result in their licence being suspended.

Where officers have cause to require that a Licence Holder provides additional DBS checks these must also be provided in a timely fashion and at the Licence Holder's expense. Failure to do so may result in their licence being suspended or referred to the Licensing Sub-Committee for consideration.

Applicants will also be required to disclose, where relevant, any enforcement action taken against them by the Traffic Commissioner.

Overseas Applicants & Those Who Have Lived Abroad

Any foreign national or applicant who has lived abroad for 6 continuous months or more will be required to produce a document from the relevant Government or Embassy of their country of origin, or last place

of residence if more appropriate, which provides a comprehensive criminal record.

All costs in respect of this documentation will be borne by the applicant. This document is in addition to the DBS certificate. And must provide contact details of the Government or Embassy in order that officers can verify its authenticity. Certificates of good conduct must be in English or translated at the Applicant's expense.

In circumstances where the applicant is unable to provide such a document, or officers have concerns that an individual's record requires closer scrutiny, other methods of verifying an Applicant's history may be required. The application will normally be referred to the Licensing Sub-Committee for determination, where the applicant will be given the opportunity to explain his or her circumstances and produce any other relevant documentation in support of the application.

Confidentiality

The Council is bound by rules of confidentiality and will not divulge information obtained to any third parties unless deemed relevant for public safety or the prevention and/or detection of crime.

4.7 RELEVANCE OF CONVICTIONS, CAUTIONS & OTHER INTELLIGENCE

In considering the effect convictions and cautions recorded against applicants, or any other information received about an individual, the Council will apply the policy set out in Appendix B.

In assessing whether the applicant is a fit and proper person to hold a licence, the Council will consider each case on its merits. We will take account of cautions, convictions and other intelligence, but only in so far as they are relevant to an application for a licence. Upon receipt of a disclosure from the DBS, officers acting under delegated powers will assess whether the information is capable of having real relevance to the issue of whether or not the applicant is a fit and proper person to hold a licence.

The Council will have regard to the type and age of the offence or allegation, and the age of the applicant when the offence occurred, when considering their relevance to an application. Regard will also be given to the apparent seriousness of the behaviour, as indicated by the penalty.

Where officers have no concerns over an applicant's record they shall grant the licence using delegated powers. Where officers are not satisfied the applicant is clearly fit and proper they shall refer the application to Licensing Sub-Committee for determination.

Where drivers have been licensed prior to the adoption of this policy, and they no longer meet the standards expected as a result, their fitness to hold a licence will be reassessed against those revised standards. Where there is concern that an individual no longer meets the standard of a fit and proper person they will be referred to Licensing Sub-Committee for consideration.

4.8 APPLICATION PROCEDURE

An application for a hackney carriage or private hire driver's licence must be made on the specified application form and be accompanied by all necessary supporting documentation. The application shall not be considered complete until all required information has been submitted.

4.9 DURATION & RENEWAL OF LICENCES

The Council will issue licences for a period of 3 years unless circumstances are such that a shorter period is appropriate.

In cases of new applicants and renewals, if requested documents are not forthcoming within 6 months, an application will be returned as incomplete and a new application will need to be made. However the Licensing Sub-Committee may extend this period in exceptional circumstances.

Applications for renewal must be submitted sufficiently far in advance of the expiry of the previous licence. It is recommended that applications for renewal are submitted by return on receipt of a renewal letter, or in any event not less than 3 months prior to the current badge expiry date.

NB If no renewal letter is received. IT IS THE DRIVER'S RESPONSIBILITY TO BE AWARE OF THE DATE OF EXPIRY OF HIS LICENCE. If the driver believes he has not received his renewal letter at least TEN weeks before the expiry date they should contact the licensing department without delay. The Authority offers no guarantee that a Drivers Badge renewal letter will be received by licence holders and accepts no responsibility where this occurs.

It is the responsibility of the applicant to ensure all applications are submitted in time with all supporting documentation. Late applications cannot be guaranteed to be renewed before the previous licence expires. If the application is not submitted in time the driver will not be authorised to drive a hackney carriage or private hire vehicle, once the previous licence expires, until a new licence is granted. If the previous licence expires the applicant will have to make an application for a new licence, not a renewal. Late applications may only be accepted in exceptional circumstances, and documentary evidence to explain those circumstances will be required.

4.10 CONDITIONS OF LICENCE

The conditions set out in Appendix C are reasonably necessary and appropriate for all licensed drivers. They conditions will form part of all combined and private hire vehicle driver's licences.

4.11 CONVICTIONS

Where offences, leading to conviction or caution, 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 should have on their hackney or private hire driver's licence. Further detail is set out in the Taxi Licensing Policy: Enforcement document.

Licensed drivers who are convicted or cautioned for any offence, including fixed penalties, must disclose the conviction/caution and the penalty involved to the Council within 72 hours.

5. Responsibility for Implementation

This Policy will be implemented by, and at the discretion, the appropriate officers as determined by the Council's delegations scheme.

This and other policies set out the principles that govern the Council's licensing of hackney carriage and private hire vehicle drivers, operators and vehicles. Minor modifications to conditions, specifications or procedures may from time to time be modified by officers acting under delegated powers, except where not appropriate to do so.

6. Glossary of terms

Throughout this document -

- "The Council" means North East Derbyshire District Council
- "Licensed Vehicle" means both a Hackney Carriage and Private Hire Vehicle
- "Hackney Carriage" means a vehicle of any form or construction, licensed for standing or plying for hire in any street
- "Hackney Carriage Driver" means a person licensed to act as driver of any hackney carriage

- "Private Hire Vehicle" means a licensed vehicle constructed or adapted to seat fewer than nine passengers, other than a hackney carriage or public service vehicle, which is provided for hire with the services of a driver for the purpose of carrying passengers
- "Private Hire Driver" means a person licensed to act as driver of any private hire vehicle
- "Private Hire Operator" means a person licensed to make provision for the invitation or acceptance of bookings for a private hire vehicle
- "The Guidance" means The Department for Transport - Taxi and Private Hire Vehicle Licensing: Best Practice Guidance October 2010.

7. Appendices

Appendix A to Appendix C follow.

APPENDIX A

THE CONSIDERATION OF APPLICATIONS

1. Upon receipt of a properly made application form, an officer of the Licensing Section of the Council shall consider the application. Where the application is incomplete, it will not be considered until all the missing details or documents are supplied. If the application remains incomplete for 6 months, the application may be returned as incomplete and a new application may need to be made.
2. An applicant who has not passed all relevant tests will not normally be granted a licence.
3. If satisfied from the information available that the applicant is a fit and proper person to hold a hackney carriage and/or private hire licence, an officer acting under delegated powers has the power to grant or renew a licence.
4. Successful applicants will be notified in writing and issued with the appropriate licence. Those who are granted drivers' licences shall be issued with a driver's badge, which shall remain the property of the Council and must be returned on written request by an authorised officer. It must be worn at all times whilst the driver is at work.
5. Where an officer is not satisfied, on the information before them, that the applicant should be granted a licence, the matter must be referred to the Licensing Sub-Committee for a decision. The applicant will be advised of the date, time and venue of the Sub-Committee at which the application will be considered and invited to attend, accompanied by a representative if desired.
6. At the Licensing Sub-Committee meeting the Council's hearing procedure will be followed. The applicant will be informed of the decision immediately at the conclusion of the hearing, with written decision notices to follow where appropriate.
7. Applicants will be informed of their right to appeal against the decision to the Magistrates' Court within 21 days of receipt of the formal notice of refusal of the application.

APPENDIX B

RELEVANCE OF CONVICTIONS

1. GENERAL POLICY

1.1 Principles

This Appendix will act as guidance for the Council when considering the fitness and propriety of license-holders and applicants. In exercising this duty, the Council will consider the safety of the public as its primary consideration.

This policy provides guidance to the Licensing Sub-Committee and Officers with delegated powers on the criteria to take into account when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a Hackney Carriage and/or Private Hire drivers Licence. Any decision will be made on the balance of probabilities and not beyond all reasonable doubt.

Each application will be determined on its own merits. Some discretion to depart from these guidelines may be appropriate if the offence is isolated and there are mitigating circumstances. However the overriding consideration should be the protection of the public.

NB As a matter of law, where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction.

1.2 Fit & Proper

In seeking to safeguard the public, the Council seeks to ensure:

- That a person is a fit and proper person in accordance with Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II);
- That the person does not pose a threat to the public;
- That the public are safeguarded from dishonest persons; and
- The safety of children, young persons and vulnerable adults.

The term “Fit and Proper Person” for the purposes of licensing is not legally defined and in assessing whether someone may be “Fit and Proper” the Council will seek to establish that applicants are considered safe and suitable to hold a licence. The Council will take into account all available information, including information obtained from other local authorities, the Police and any third party organisations.

1.3 Considering Criminal Records

Listed below are some general principles relating to the determination of applications for drivers and operators which will generally be followed where convictions are admitted or otherwise identified.

In this guidance the word “conviction” includes convictions, cautions, warnings, reprimands, fixed penalty notices and other relevant information, including any enforcement action taken by other local authorities or the Traffic Commissioner. For custodial sentences the term “from date sentence has ended” is taken to be the date which is reached once the whole of the period as sentenced by the court has elapsed and not necessarily the length of time served by the applicant. If the sentence is amended by a court at a later date then this new sentence becomes relevant for the purposes of this policy. For non-custodial offences the relevant date will be the date of sentencing.

Whilst the Council may consider that a person with a conviction for a serious offence may not need to be automatically barred from obtaining a licence, it is however to be normally expected that the applicant would be required to:

- Remain free of conviction for an appropriate period as detailed below; and
- Show adequate evidence that they are a fit and proper person to hold a licence (the onus will be on the applicant to produce such evidence).

NB Solely remaining free of conviction may not necessarily be adequate evidence that a person is a fit and proper person to hold a licence.

1.4 Outstanding Charges or Summonses

If an 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 should normally be put on hold until proceedings are concluded or the licence may be refused. Such cases will always be referred to the Licensing Sub-Committee with a view to refusal/revocation.

1.5 Non-conviction information

If an applicant has on 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 if the evidence supports this. In assessing the action to take, the safety of the public must be the paramount concern.

Where an applicant has had a Hackney Carriage/Private hire driver's licence revoked by any local authority, the Council will not normally grant a licence until at least twelve months has elapsed since the revocation. The applicant's previous licensing authority may be contacted for details of why the licence was revoked.

2. OFFENCES

The following guidance applies to new applicants and those cases where a licence holder is convicted during the period of their current licence.

All categories below are non-exhaustive, and include any similar offences (including attempted or conspiracy to commit) and any offences which replace those specified.

2.1 Serious offences against the person

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.

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
- Kidnapping or abduction

A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) to those below unless at least 10 years have passed since the completion of any sentence and /or licence period:

- 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 which is racially aggravated
- Violent disorder
- Threats to kill
- Resisting arrest

- Hate crime against a person
- Modern slavery

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 unless at least 5 years have passed since the completion of any sentence and/or licence period:

- Racially-aggravated criminal damage
- Racially-aggravated offence
- Hate crime against property

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 at least 3 years have passed since the completion of any sentence and/or licence period:

- Common assault/Battery
- 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
- Harassment
- Offences involving anti-social behaviour

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.

2.2 Possession of a weapon

If an applicant has been convicted of possession of a weapon or any other weapon related offence, depending on the circumstances of the offence, at least 3 years must have passed since the completion of the sentence, before a licence is granted.

2.3 Sexual and indecency offences

As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinised. All sexual offences should be considered as serious. Applicants with convictions for sexual offences will be refused a licence upon application/renewal or review. Existing licence holders will have their licence immediately revoked.

Such offences include:

- Rape

- Assault by penetration
- Offences involving children or vulnerable adults
- Grooming, Trafficking or other Sexual Exploitation related offences (adults and/or children)
- Making or distributing obscene material
- Possession of images depicting child sexual abuse.
- Sexual assault
- Indecent assault
- Exploitation of prostitution

In relation to indecency offences, an applicant should be free of conviction for at least 5 years (or at least 5 years must have passed since the completion of the sentence, whichever is longer), if he / she has a conviction for an offence such as:

- Making indecent telephone calls
- Importuning
- Indecent exposure
- Soliciting (kerb crawling)
- Any offence occurring in the context of domestic violence

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

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

2.4 Dishonesty

A licensed driver is expected to be trustworthy. In the course of their working duties drivers will deal with cash transactions and valuable property may be left in their vehicles. Drivers may well deal with customers who are vulnerable or intoxicated and potentially easily confused. For 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 have passed since the 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

A licence will not normally be granted if an applicant has more than one conviction for dishonesty.

Applicants or existing licence holders that are found to have intentionally misled the council, or lied as part of the application process, will not normally be issued with a licence.

2.5 Alcohol & Drugs

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. In some cases, a warning may be appropriate. However, a number of convictions for drunkenness, including drunk and disorderly or drunk and incapable, could indicate a medical problem necessitating critical examination and refusal of licence.

In addition, the applicant will normally be required to show a period of 10 years has elapsed after completion of detoxification treatment if (s)he was an alcoholic.

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 more than one conviction for offences related to the supply of drugs and has not been free of conviction for 10 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 drug use, misuse or dependency, a specialist examination (in accordance with the DVLA group two 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.

2.6 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 if the applicant has a conviction for:

- Causing death by dangerous driving

- Causing death by careless driving whilst under the influence of drink or drugs
- Causing death by driving: unlicensed, disqualified or uninsured drivers

Before a licence is granted, an applicant should be free of conviction for 10 years (or at least 10 years must have passed since the completion of the sentence, whichever is longer) if the applicant has a conviction for:

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

A licence will not be granted if an applicant has more than one conviction for any of these offences.

2.7 Driving offences involving alcohol and/or drugs

A serious view will be taken of convictions of driving, or attempting to drive, or being in charge of a vehicle while under the influence of drink or drugs. Where a disqualification has occurred as a result of a drug or drink-driving offence, at least 5 years free of conviction should elapse after the restoration of the DVLA licence before an applicant is granted a licence.

More than one conviction for this type of offence or one such offence within the last 5 years is likely to merit refusal.

In addition, applicants will normally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if (s)he was an alcoholic or drug addict.

2.8 Major Traffic Offences

A non-exhaustive list of traffic offences can be found in Appendix D.

Subject to the above paragraphs an isolated conviction for a major traffic offence, without disqualification, such as dangerous driving or driving without due care and attention will require careful consideration of the facts and will at the very least merit a warning as to future driving and advice on the standard expected of hackney carriage and private hire drivers. However, where the conviction is within 6 months prior to the date of the application the application will normally be refused.

In cases of disqualification at least 3 years free from conviction after the restoration of the DVLA licence should normally elapse before an applicant is granted a licence.

Where an applicant has been convicted of a major traffic offence which has not resulted in disqualification, careful consideration should be

given to the circumstances surrounding the offence. An application for a licence will normally be refused where the offence occurred less than 2 years prior to the application.

Where an existing licence holder is disqualified from driving as a result of a conviction for a major traffic offence, the licence will normally be revoked.

Where an existing licence holder is convicted of a major traffic offence, but the licence-holder is not disqualified from driving, the licence should normally be revoked or not renewed and any subsequent application for a new licence will be determined in accordance with the guidance above.

2.9 Minor Traffic Offences

A non-exhaustive list of traffic offences can be found in Appendix D.

Isolated convictions for minor traffic offences should not prevent a person from proceeding with an application. However, the number, type and frequency of this type of offence will be taken into account. If there are several minor traffic offences the applicant will normally be expected to show a period free of conviction of at least 6 months.

An applicant with 6-12 penalty points on their licence will merit further consideration and may be refused depending on the circumstances of the case. A licence will normally be refused where the applicant has 12 or more penalty points on his DVLA licence for minor traffic offences but has not been disqualified from driving.

Where an offence has resulted in the applicant being disqualified from driving for a period of time this will normally be taken as reflecting seriously on the applicant's driving standard.

Generally, a period of 12 months free from conviction must have elapsed from the restoration of the DVLA licence.

Where an existing licence holder is disqualified from driving the licence will normally be revoked by officers acting under delegated powers.

2.10 Totting Up Disqualifications

Where a number of traffic offences has resulted in a driver receiving 12 penalty points or more on his/her licence the driver will be disqualified from driving unless the Court is satisfied that exceptional hardship would be suffered by an individual if disqualified. This is known as a "totting-up" disqualification.

Where an applicant has a totting-up disqualification an application will usually be refused until a period of between 12 months and 2 years

has lapsed from the restoration of the DVLA licence depending on the seriousness of the offences which led to the totting up.

Where an existing licence holder is disqualified from driving as a result of a totting up, the licence will normally be revoked.

Where other, more serious, offences lead to disqualification an applicant will usually be refused until a period of at least 2 years has passed since their DVLA licence was restored.

2.12 Borderline traffic offences

Certain offences may not be clearly categorised as Major or Minor. Such offences will be treated as major traffic offences if the court awarded 4 or more penalty points for the offence and as minor traffic offences if the court awarded 3 or less penalty points for the offence.

A non-exhaustive list of hybrid traffic offences can be found in Appendix D.

2.13 Plying For Hire

Any applicant who has committed an offence of plying for hire within the 6 months preceding their application will normally be refused a licence. Any existing licence holder found to have committed this offence will be judged on the circumstances of the case, and at the least suspension of the licence should be considered. Where a driver is convicted on more than one occasion the licence will be revoked or not granted. Consideration will be taken of whether at the time there was no insurance cover in place for the vehicle. It will be up to the applicant to prove that there was valid insurance in place at the time of the offence.

2.14 Insurance Offences

A serious view will be taken of convictions of driving 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 of these offences would normally prevent a licence being granted or renewed. Isolated incidents associated with a licensing offence will not necessarily prevent a licence being granted or renewed. Each case will be prevented on its merits.

At least 3 years should elapse (after restoration of the DVLA driving licence), before a licence would normally be granted for a Hackney Carriage or Private Hire driver's licence.

3. OTHER OFFENCES AND SPECIAL CIRCUMSTANCES

If the applicant has declared any other offences not listed above or the circumstances of the case justify, an officer acting under delegated powers will, if he/she considers it appropriate, refer the application to the Licensing Sub-Committee for determination.

APPENDIX C

PRIVATE HIRE DRIVER'S LICENCE CONDITIONS

The holder of a private hire driver's licence shall comply with the following conditions. In addition to the conditions set out below, any requirements set out in Part 4 of this Policy will form part of the Licence conditions.

1. CONDUCT OF DRIVER

- 1.1 At all times when working the driver shall wear the badge supplied by the Council ensuring it is clearly visible. He shall not permit any other person to wear it and on termination or surrender of a driver's licence, he shall return the badge to the Council immediately.
- 1.2 The driver shall behave in a civil, polite and orderly manner and shall take all reasonable precautions to ensure the safety of persons using the vehicle.
- 1.3 The driver shall not for any reason cause or permit the vehicle licence plate or signage to be concealed, obscured or defaced.
- 1.4 The driver will attend all bookings punctually unless prevented or delayed with good reason.
- 1.5 The driver will always drive to a destination by the shortest available route unless a different route has been agreed with the hirer.
- 1.6 The driver shall not carry in a vehicle more persons than the number specified on the vehicle licence.
- 1.7 The driver shall carry a reasonable amount of luggage if required, and offer reasonable assistance in loading and unloading luggage.
- 1.8 The driver must not solicit, by calling out or by any other means, any person to hire or be carried for hire. The driver will only carry passengers who have booked through a licensed Operator.
- 1.9 The driver shall ensure the vehicle is presented in a suitable condition for each journey.
- 1.10 The driver must only drive a private hire vehicle with the consent of the proprietor of the vehicle.
- 1.11 A driver must not eat or drink in the vehicle if asked not to by the hirer.

- 1.12 A driver must not play any radio or sound equipment (except that connected with the operation of the business) if asked not to by the hirer. The driver must ensure that the noise emitted from any sound equipment in the vehicle does not cause annoyance to any person, whether inside or outside the vehicle.
- 1.13 Smoking is prohibited in the vehicle at any time due to the Health Act 2006. The use of electronic cigarettes (“vaping”) is also prohibited.
- 1.14 The driver shall not get the hirer’s attention, as a means of signalling that the vehicle has arrived, by operating the horn or shouting.
- 1.15 The driver must not cause or permit the vehicle to stand on a road or in a public place as to suggest that it is available for immediate hire, or use any hackney carriage stand.
- 1.16 Drivers must not use a hand-held mobile telephone or other hand-held interactive communications device at any time the vehicle is in motion or stopped at traffic lights etc. A vehicle must be correctly parked before such equipment is used.

2 FITNESS OF DRIVER

- 2.1 The driver must not drive any private hire vehicle if they know of any medical condition which may affect their driving ability and the health and safety of themselves and/or any passengers. The driver must contact the Council immediately if this happens.

3 FARES AND JOURNEYS

- 3.1 The driver shall, if requested by the hirer, provide the hirer with a written receipt for the fare paid.
- 3.2 If the private hire vehicle is fitted with a faresmeter, then the driver of a private hire vehicle shall:
 - bring the meter into operation at the commencement of the journey (unless the hirer wishes to engage by time or has agreed a fare in advance); and
 - not demand a fare in excess of any previously agreed for that hiring between the hirer and the operator or the fare shown on the face of the meter.

4 DUTIES OF LICENCE HOLDER

- 4.1 The Council must be notified of any change in circumstances affecting this licence, within 7 days of that change in circumstances.
- 4.2 The private hire driver’s licence must be made available for inspection, on request, by any authorised officer of any Council or any Police Officer.

- 4.3 The driver must notify the Council, within 7 days of joining or leaving an operator, of the name and address of the operator concerned.
- 4.4 The private hire driver's licence must be presented to the operator concerned, before commencing work with that operator.
- 4.5 All licences, badges etc issued remain the property of the Council at all times. They must be returned immediately when the licence expires and is not renewed or where the licence is suspended or revoked.
- 4.6 The driver must notify the Council of any change of details, including their address, telephone number or email, within 7 days.
- 4.7 The driver must notify the Council, within 7 days, of any conviction or caution for an offence, or of any fixed penalty imposed on him/her whilst the licence is in force. Failure to disclose a conviction may result in an immediate licence suspension, pending investigation.
- 4.8 The loss or theft of any driver's licence shall be reported to the Council as soon as possible. In the case of theft, the Police must also be informed.

5 LOST PROPERTY

- 5.1 After every booking the driver shall carefully search the vehicle for any property which may have been accidentally left. Any property found should be taken as soon as possible (and in any event within 48 hours) to an appropriate police station and left with the Police or the driver's Operator.

If the police decline to accept the property they should follow any police advice given. If in any doubt a driver should contact the Council for further advice.

6 ACCIDENT REPORTING

- 6.1 A driver shall report to the Council, within 48 hours, any accident to a private hire vehicle causing damage materially affecting the safety, performance or appearance of the vehicle, the comfort or convenience of persons using the vehicle, or risk of injury to any person.

7 THE CARRIAGE OF ANIMALS

- 7.1 A driver must not carry in a private hire vehicle any animal whilst it is being used as a private hire vehicle, except as provided for below.
- 7.2 Animals in the custody of passengers may be carried, at the driver's discretion, provided they are restrained in a safe manner.

- 7.3 A driver must carry assistance dogs if required. Assistance dogs include Guide Dogs for the Blind or partially sighted, hearing dogs for the hard of hearing and other assistance dogs which assist disabled people with a physical impairment. This includes dogs in training for such roles.
- 7.4 Any driver with a medical condition, which may be exacerbated by dogs, may apply for exemption from this condition. A certificate of exemption will be supplied in accordance with any relevant criteria and policy.

8 WHEELCHAIR ACCESSIBLE VEHICLES

- 8.1 All drivers of wheelchair accessible vehicles -
- must be suitably trained;
 - must be fully conversant with the correct method of operation of all ramps, lifts and wheelchair restraints fitted to the vehicle;
 - must, before any movement of the vehicle takes place, ensure that all wheelchairs are firmly secured to the vehicle using an approved restraining system, the brakes of the wheelchair have been applied and the passengers are suitably secured with lap/diagonal seat belts;
 - must ensure that any wheelchairs, equipment and passengers are carried in such a manner that no danger or injury is likely to be caused to those passengers or to anyone else, in accordance with the relevant regulations.

9 WORKING HOURS

- 9.1 Drivers will fulfil their responsibility to ensure compliance with legislation regarding the length of working hours.
- 9.2 The driver must not work excessive hours that may affect their ability to drive.
- 9.3 The driver must not drive when fatigued.

10 PROVISION OF INFORMATION

- 10.1 Where requested to do so by an Authorised Officer of the Council, the licence holder will provide a criminal record check, medical report, DVLA licence report or any other information, at his own expense, so as to enable the Council to assess if the licence holder remains 'fit and proper' to hold a driver licence with the authority.

11 VEHICLE CHECKS

11.1 Drivers should check any vehicle they are driving on a daily basis and before use to ensure the following, as a minimum, are in legal working order:

- Lights
- Tyres/wheels
- Wipers
- Fluid levels
- Brakes
- Handbrake
- Wheelchair equipment (on wheelchair accessible vehicles)

The check should be recorded in writing, including details of any defects and remedial action taken..

APPENDIX D

CATEGORIES OF MOTORING OFFENCES

1 MAJOR TRAFFIC OFFENCES

AC10 Failing to stop after an accident
AC20 Failing to give particulars or to report an accident within 24 hours
AC30 Undefined accident offences
BA10 Driving while disqualified by order of court
BA30 Attempting to drive while disqualified by order of court
BA40 Causing death by driving while disqualified
BA60 Causing serious injury by driving while disqualified
CD10 Driving without due care and attention
CD20 Driving without reasonable consideration for other road users
CD30 Driving without due care and attention or without reasonable consideration for other road users
CD40 Causing death through careless driving when unfit through drink *
CD50 Causing death by careless driving when unfit through drugs *
CD60 Causing death by careless driving with alcohol level above the limit *
CD70 Causing death by careless driving then failing to supply a specimen for analysis *
CD80 Causing death by careless or inconsiderate driving *
CD90 Causing Death by driving: unlicensed, disqualified or uninsured drivers *
DD40 Dangerous driving
DD60 Manslaughter or culpable homicide while driving a vehicle *
DD80 Causing death by dangerous driving *
DD90 Furious driving
DG60 Causing death by careless driving with drug level above the limit*
The above offences marked * are dealt with in the section entitled driving offences involving the loss life
DR10 Driving or attempting to drive with alcohol level above limit +
DR20 Driving or attempting to drive while unfit through drink +
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
DR40 In charge of a vehicle while alcohol level above limit +
DR50 In charge of a vehicle while unfit through drink +
DR60 Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive
DR61 Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive +
DR70 Failing to provide specimen for breath test +
DR80 Driving or attempting to drive when unfit through drugs +
DR90 In charge of a vehicle when unfit through drugs +
DG10 Driving or attempting to drive with drug level above the specified limit
DG40 In charge of a vehicle while drug level above the specified limit

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The above offences marked + are dealt with in the section entitled alcohol and drugs

IN10 Using a vehicle uninsured against third party risks

LC20 Driving otherwise than in accordance with a licence

LC30 Driving after making a false declaration about fitness when applying for a licence

LC40 Driving a vehicle having failed to notify a disability

LC50 Driving after a licence has been revoked or refused on medical grounds

MS50 Motor racing on the highway

UT50 Aggravated taking of a vehicle

TT99 Signifies a disqualification under the totting up procedure 12 or more points within three years

2. MINOR TRAFFIC OFFENCES

CU10 Using vehicle with defective brakes

CU20 Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition

CU30 Using a vehicle with defective tyre(s)

CU40 Using a vehicle with defective steering

CU50 Causing or likely to cause danger by reason of load or passengers

CU80 Using a mobile phone while driving a vehicle

MS10 Leaving a vehicle in a dangerous position

MS20 Unlawful pillion riding

MS30 Play street Offences

MS40 Driving with uncorrected defective eyesight or refusing to submit to a test

MS60 Offences not covered by other codes

MS70 Driving with uncorrected defective eyesight

MS80 Refusing to submit to an eyesight test

MS90 Failure to give information as to the identity of driver etc.

MW10 Contravention of Special Road Regulations (excluding speed limits)

PC10 Undefined contravention of Pedestrian Crossing Regulations

PC20 Contravention of Pedestrian Crossing Regulations with moving vehicle

PC30 Contravention of Pedestrian Crossing Regulations with stationary vehicle

SPI0 Exceeding goods vehicle speed limit

SP20 Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)

SP30 Exceeding statutory speed limit on a public road

SP40 Exceeding passenger vehicle speed limit

SP50 Exceeding speed limit on a motorway

SP60 Undefined speed limit offence

TS10 Failing to comply with traffic light signals

TS20 Failing to comply with double white lines

TS30 Failing to comply with a "Stop" sign

TS40 Failing to comply with direction of a constable/ warden

TS50 Failing to comply with traffic sign (excluding "Stop" sign, traffic lights or double white lines)

TS60 Failing to comply with school crossing patrol sign
TS70 Undefined failure to comply with a traffic direction sign

3. HYBRID TRAFFIC OFFENCES

CU10 Using vehicle with defective brakes
CU20 Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
CU30 Using a vehicle with defective tyre(s)
CU40 Using a vehicle with defective steering
CU50 Causing or likely to cause danger by reason of load or passengers
SP10 Exceeding goods vehicle speed limit
SP20 Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
SP30 Exceeding statutory speed limit on a public road
SP40 Exceeding passenger vehicle speed limit
SP50 Exceeding speed limit on a motorway
SP60 Undefined speed limit offence
Other non endorsable motoring offences i.e. no MOT

NOTE:

All offences in this Appendix may also include the following codes

Aiding, abetting, counselling or procuring:

Offences as coded above, but with 0 changed to 2 (e.g. CU10 becomes CU12)

Causing or permitting:

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

Inciting:

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