

DECEMBER 2016

STAFFORDSHIRE MOORLANDS COUNCIL

**HACKNEY CARRIAGE &
PRIVATE HIRE LICENSING
POLICY**

Safety is one of the principles of licensing which informs legislation. The safety of the public should be the uppermost concern of any licensing and enforcement regime: when determining policy, setting standards and deciding how they will be enforced.” *Author: Louise Casey CB)*

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1. INTRODUCTION

1.1 Glossary of Terms

1.1.2 throughout this document -

- "The Authority" means the Local Authority, Staffordshire Moorlands District Council
- "Non-Standard PHV" vehicles means "Novelty" "Executive" "Wedding" "Limousines" and "Classic" vehicles.
- "Licensed Vehicle" means both a Hackney Carriage and Private Hire Vehicle
- "Hackney Carriage" means a vehicle of any form or construction, licensed by Staffordshire Moorlands District Council for standing or plying for hire in any street
- "Hackney Carriage Driver" means a person licensed to act as driver of any hackney carriage licensed by Staffordshire Moorlands District Council
- "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
- "Suspension Notice" means a notice prohibiting further use of a licensed vehicle until such time as a defect has been remedied to the satisfaction of the Authority

- "Defect Notice" means a notice identifying a defect with a licensed vehicle which must be remedied to the satisfaction of the Authority (issued under Section 68 of the Local Government (Miscellaneous Provisions) Act 1976)
- "Taximeter" means any device for calculating the fare to be charged in respect of any journey in a hackney carriage or private hire vehicle by reference to the distance travelled or time elapsed since the start of the journey, or a combination of both
- "Authorised Officer" means an officer of the authority authorised for the purposes of Part II of the Local Government (Miscellaneous Provisions) Act 1976

1.2 Powers

- 1.2.1 The licensing of hackney carriages is governed by the Town Police Clauses Act 1847 (the 1847 Act) and the Local Government (Miscellaneous Provisions) Act 1976 (the 1976 Act). Private hire vehicles are governed by the 1976 Act.
- 1.2.2 In May 1979 Staffordshire Moorlands District Council adopted Part 2 of the 1976 Act. The 1976 Act places a duty on Staffordshire Moorlands District Council, as the Licensing Authority ("the Authority"), to licence all hire vehicles which operate from the District, which are provided with a driver and have less than nine passenger seats.
- 1.2.3 This document sets out the policy that the Authority will apply when making decisions about new applications relating to hackney carriages and private hire vehicles and licences currently in force.

1.3 Objectives

- 1.3.1 Hackney carriage and private hire vehicles play a vital part in the District's integrated transport system.
- 1.3.2 The principal purpose of Hackney Carriage and Private Hire Licensing is to protect the public. The safety of the public and the safeguarding of children and the vulnerable will be the uppermost concerns when determining policy, setting standards and deciding how they will be enforced.

The Authority shall seek to promote the following objectives:

- **The protection of the public, safeguarding children and the vulnerable and the prevention of crime and disorder**

- **The safety of drivers**
- **To promote professional and respected hackney carriage and private hire trades;**
- **Access to an efficient and effective public transport service;**
- **The protection of the environment**

1.3.3 Each application for licensing will be considered on its own merits, the Authority is mindful of the needs of the applicant but this will be balanced against the over-riding duty that the Authority has to protect the safety and welfare of the public which this policy document seeks to achieve.

1.4 **Consultation and Communication**

1.4.1 This policy will be circulated to the following individuals and organisations for consultation and responses will be considered in the final policy.

- Staffordshire County Council Transport
- Staffordshire Moorlands District Council Planning Section
- Staffordshire Moorlands District Council Environmental Health Section
- Staffordshire Moorlands District Council Licensing Committee Chairperson and Members.
- The Hackney carriage and private hire trade including all licensed operators and drivers within the district.
- Staffordshire Constabulary
- Staffordshire Police & Crime Commissioner
- Staffordshire County Council Trading Standards
- Staffordshire Safeguarding Board
- DVSA (Driver and Vehicles Standards Agency)

The Draft Policy will be available to view on the Councils website for the duration of the consultation, and a hard copy of the Draft Policy will be available to view on reception at the Leek Council offices.

1.5 **Review of the Policy**

The policy will be formally adopted by the Council and will be reviewed every 5 years. However, it will be the subject of continuous evaluation and, if necessary, reviewed at any time. At the time of any substantive review all relevant individuals and organisations above will again be consulted, however, approval will be sought by Full Council that the Head of Regulatory Services may make minor modifications to reflect any change in legislation or case law or to promote efficient administration of the licensing function without consultation if appropriate.

1.6 Adoption of the Policy

The Policy will apply to all new applications for licences from the **1st January 2017**. Where the policy introduces new requirements for existing licensees then those new requirements will apply to all renewals after the **1st January 2017** except where a longer timescale has been set out in the relevant part of the policy.

Where application of the policy may result in unfairness to an existing licensee then representations may be made at the time before renewal to explain why such unfairness will result and these must be considered by the Authority before determining the application. Each case will be considered on its merits in the light of the policy and any representations received. If it is determined that application of the new policy would result in unfairness then the policy may be modified as appropriate in the individual circumstances of the case.

1.7 Conditions

- 1.7.1 The Authority will attach to a licence any reasonable conditions that are deemed necessary and appropriate to ensure that proprietors, operators, drivers and vehicles, comply with relevant legislation and the fundamental purpose of the Policy, i.e. to protect the safety and welfare of public.
- 1.7.2 **Appendices C, D, F and H** set out the standard licence conditions for vehicles, drivers and operators but may be modified to take into account any individual circumstances.
- 1.7.3 Current Licence holders will be issued with licences subject to the new licence conditions where they differ from their current licence conditions when their licence is renewed.

1.8 Delegation of Functions

- 1.8.1 The licensing of hackney carriages and private hire vehicles, drivers and operators is a Council function that is discharged by the Authority's Licensing Committee. The Licensing Committee has delegated this function to the Licensing Sub Committee and to Officers of the Authority who will determine all applications in accordance with this Policy, unless there are specific circumstances that require a departure from the Policy. In such circumstances, the reasons for departure from the Policy will be made clear.

1.9 Committees

1.9.1 Licensing Committee

This committee is made up of 12 Members of the Authority. It deals with policy issues and standard conditions of licence.

1.9.2 Licensing Sub-Committee

The Licensing Sub-Committee is made up of a selection of 3 Members from the Licensing Committee, where applications fall outside the policy a hearing will be held to determine new applications, renewals and reviews of licences referred by officers in accordance with the Council's scheme of delegation or this policy. Members and officers, when determining applications for a licence, renewal or review of a licence, will comply with hackney carriage and private hire legislation and case law, all other relevant legislation including the Human Rights Act 1998 and the Equality Act 2010 and have regard to this Policy. **Appendix K** sets out the hearing procedures.

1.10 Decisions

1.10.1 The Authority has the power to grant and renew or refuse to grant or renew licences and also to suspend or revoke existing licences in accordance with relevant legislative provisions. In addition, the Authority may choose to issue Penalty Points in accordance with **Appendix J**

1.10.2 Where applications are to be determined by Sub-committee, the Sub-committee will take into consideration the facts of the application, any information and/or evidence provided by the applicant and other interested parties including, but not restricted to, officers from the Authority with responsibility for safeguarding and Police officers together with the recommendation made by the licensing officer presenting the report. In order to provide applicants with the opportunity to consider and respond by way of written and/or verbal representations, as appropriate the Authority will provide the report relating to their application to the applicant in advance of any decision being made and invite representations to be made in writing or in person at the hearing.

1.10.3 Following the determination of an application by the Authority the applicant will receive a copy of its decision in writing. This written decision will be delivered as soon as is practicable after the decision has been made. This will include information regarding the right to appeal where appropriate. The appeal period will run from the day that the written notification is received by the applicant or licensee. If the notice is posted, rather than hand delivered, the postal rule in the Interpretation Act 1978 will apply and the notice will be deemed to have been received 2 working days after posting.

1.10.4 It must be understood that a decision to grant any hackney carriage or private hire licence is made on the basis of the character and suitability of the applicant on the

particular facts of the case on the day of the decision (and in the case of vehicle licences, the condition of the vehicle). That status can be lost at any time in the future and the licensee must ensure that his/her conduct and the way he/she runs his/her business must remain of the highest standard to protect his/her licence and therefore his/her livelihood.

1.11 Appeals

- 1.11.1 Any applicant who is aggrieved by a decision of the Authority, with respect to a refusal to grant or renew a licence and or to suspend or revoke a licence, or by the imposition of conditions on a licence has a right of appeal to the Magistrate's court. In the case of a refusal to grant a hackney carriage licence, the right of appeal lies to the Crown Court. Any such appeal must be lodged with the Court in accordance with the relevant statutory provisions. The Authority strongly advises parties to promptly seek appropriate independent legal advice in such circumstances.

1.12 Working in Partnership

- 1.12.1 The Authority will work in partnership with other agencies to promote the policy objectives. However, it must be recognised that the Authority, as a primary regulator, will ensure that all relevant provisions relating to the effective administration of licensing functions are robustly enforced to protect the public.

2.0 VEHICLES

2.1 Limitation of Numbers

- 2.1.1 At present, the Authority does not limit the number of hackney carriages.

2.2 Application Procedures

- 2.2.1 The application procedures for hackney carriage or private hire vehicle licences are set out in **Appendix A**.

2.3 Grant and Renewal of Licences

- 2.3.1 Hackney carriage or private hire vehicle licences will be granted for 12 months from the date of grant, subject to the power to grant a licence for a shorter period, should this be appropriate in the circumstances, subject to the conditions set out in **Appendix B, C and D**
- 2.3.4 If the application with all supporting documentation is not submitted in time, the previous licence will expire and the applicant will have to make an application for a new licence not a renewal.

2.4 Exempt Vehicles

Vehicles used by the following are not required to be licensed

- Funeral directors wholly or mainly for the purpose of funerals
- Ambulances and voluntary vehicles as determined on application by the Authority which are used for community or charitable work
- Vehicles used solely for the purpose of weddings

2.5 Non-Standard Private Hire Vehicles

Any Persons that offer any form of private hire vehicle with a driver to carry passengers will need to be licensed with the authority. These may include “Non-Standard PHV” “Novelty” “Executive” “Wedding” “Limousines” and “Classic” vehicles including chauffeur services, park and ride and airport travel etc. Courtesy vehicles are regarded as PHV’s only if they are operating for hire and reward (i.e. a direct charge is made). The Licensing Authority requires the requisite licences to be in place for this service to be provided. **Appendix N** sets out the requirements to allow for a dispensation to be made with regards to displaying licence plates and/or door signs.

2.6 Novelty/Speciality Vehicles

The Authority considers the following types of vehicle to be “Novelty/Speciality Vehicles” when considered in the context of Licensing:

- Limousines with less than 9 passenger seats;
- Decommissioned emergency service vehicles;
- Other converted vehicles used for special events

These vehicles can only be licensed by the authority if they have 8 or fewer passenger seats.

The Authority will have regard to the points below when considering the suitability of the vehicle, to be licensed as a Novelty/Speciality Vehicle.

It is noted those vehicles:

- Do not normally overtake
- Are easily recognisable by the hirer
- Are heavier and/or considerably longer than standard vehicles
- Are converted or adapted vehicles
- Generally travel at lower speeds than other vehicles

When considering an application for a Novelty/Speciality Vehicle the Authority will have regard to existing specification, conditions and policies.

2.7 Dispensation from Displaying Plates

The Local Government (Miscellaneous Provisions) Act 1976 requires that a District or Borough Council must issue a private hire vehicle with an identify plate or disc and that the proprietor should not use, or permit the use of, that vehicle without displaying the plate as directed by the Council. The Act also gives a District or Borough Council the discretion to grant a proprietor a dispensation from displaying the licence plate on their licensed private hire vehicle.

- 2.7.1 Each application for a dispensation will be considered on its own merits. The overriding consideration will be public safety. The clear identification of a licensed vehicle is considered such a safety aspect, particularly when visiting such places as airports, seaports and the centre of large towns.
- 2.7.2 Vehicles with an existing licence that have received a written dispensation from the Authority are required to display a credit card size plate in the front window of the vehicle and a window sticker in the rear of the vehicle clearly stating they are licensed by the Authority. (If tinted rear windows are fitted to the vehicle and the sticker is not clearly visible a rear plate will have to be affixed to the vehicle). See **Appendix N**

2.8 Relevance of Convictions and Cautions for Vehicle Licence Proprietors

- 2.8.1 Vehicle Licence Proprietors and Operators will be required to provide a basic DBS Check which is not more than 1 month old on first application and on every renewal. **Appendix I**

3.0 DRIVERS

3.1 Parallel Procedures

- 3.1.1 The Authority will issue combined Hackney Carriage & Private Hire Drivers' Licences.
- 3.1.2 The sections below apply equally to private hire and hackney carriage drivers unless stated otherwise.

3.2 Age and Experience

- 3.2.1 In order to be licensed as a driver, an applicant must hold a full driving licence issued in the UK, Northern Ireland the European Community (EC) or one of the other Countries in the European Economic Area (EEA). The address on the driving licence

must be the same as the address on the application form, which must be within the UK.

- 3.2.2 The Authority will not grant a licence to any persons who are under 21 years of age and have not held a full driving licence for a period of 1 year or longer.

3.3 Driver Tests

- 3.3.1 From implementation of the Policy all New Drivers are required to have a good working knowledge of the area for which they are licensed, this will be assessed by means of a local geography and A-Z test.

- 3.3.2 The Authority will not grant a licence to drive a vehicle unless the Sub-committee and the authorised officer is satisfied that the applicant is a Safe and Suitable.

- 3.3.3 In order to determine such fitness, applicants will be tested on the following skills fundamental to providing a quality service for passengers:

- Local geography;
- Hackney Carriage and Private Hire Licensing Law;
- Basic numeracy and literacy.
- Highway Code
- Safeguarding
- Questions on A-Z

- 3.3.4 The fee is non-refundable and will need to be paid per test or re-test, the procedures in relation to the above are set out in **Appendix G**.

3.4 Medical Examination

- 3.4.1 The Authority requires all drivers to undertake a medical examination by a registered practitioner to assess an applicant's fitness to drive a licensed vehicle before a licence may be granted. Such test will be at the applicants' expense. The medical examination must be carried out in line with the 'Assessing fitness to drive – A guide for medical professionals' issued by the DVLA. The DVLA Group 2 standard of medical fitness for professional drivers is required.

- 3.4.2 Existing licence holders aged between 21 – 65 years will be required to be examined and produce a medical certificate (DVLA group 2) every 3 years.

- 3.4.3 Existing or new licence holders aged 65 and over must be examined annually and produce a medical certificate (DVLA group 2)

- 3.4.4 The Authority may reasonably require any licensed driver to provide a further, current certificate of medical fitness to drive at any time, at the licensees' expense.

- 3.4.5 Current holders of PSV and/or HGV licences, where the holder is able to produce proof of current medical examination (DVLA Group 2) within the previous 12 months or 3 years as appropriate depending on the age of the applicant (see above) will not be required to undergo a further medical examination on application.
- 3.4.6 Licence holders must notify the Authority immediately (i.e. within 1 working day) of any deterioration in their health, including eyesight, which may affect their driving capabilities.
- 3.4.7 Where there is any reasonable doubt as to the medical fitness of the applicant or an existing licensed driver, the Authority may require the applicant to undergo further medical examination at the cost of the applicant or licensee.

3.5 Disclosure and Barring Service (DBS) Disclosures

- 3.5.1 The Authority has a mandatory requirement to obtain an Enhanced DBS Check for drivers; this is considered an essential safety measure.
- 3.5.2 Applicants for licences are, therefore, required to disclose on their application form all convictions, including those that would otherwise have been regarded as spent under the Rehabilitation of Offenders Act 1974 for other purposes.
- 3.5.3 Failure to declare a conviction or other material fact may result in immediate suspension of the licence pending investigation.
- 3.5.4 Before an application for a driver's licence will be granted, the applicant must provide a current Enhanced Disclosure and Barring Service (DBS) check carried out via the Licensing Authority and in cases where the applicant has lived abroad for a period of 6 months or more from the age of 16 they must provide a certificate of good conduct from the embassy or consulate (as appropriate) for each such country of residence. In addition checks will be made with Staffordshire Constabulary and the applicant will be required to complete a form to allow the Authority to obtain this information.
- 3.5.5 Applicants must apply for the DBS check through the Authority and will be charged an appropriate fee.
- 3.5.6 The Authority is bound by rules of confidentiality and will not divulge information obtained to any third parties. When the applicant for a DBS Disclosure receives a disclosure report to their home address, they will be required to provide the Authority with the **Original Certificate** within seven days.

3.6 Relevance of Convictions and Cautions

- 3.6.1 In relation to the consideration of convictions and cautions recorded against persons,

The Authority will apply the policy set out in **Appendix I** 'Relevance of Convictions'.

- 3.6.2 The Authority has taken note of best practice guidance available in formulating this policy. While recognising there is a balance to be struck between rehabilitation of offenders and safety of the public it is considered that where there is a conflict, priority must be given to the duty of care placed on the Authority to safeguard members of the public and most especially those who are especially vulnerable and who may rely for their safety and well-being in the process adopted in the issue of licences.
- 3.6.3 Considerable trust is placed in the hands of licensed drivers who are entrusted at times to convey vulnerable adults and young children, transport valuable goods and charge the correct fare. Drivers may obtain knowledge of empty homes or properties that could be vulnerable to theft or burglary. Drivers also often carry passengers who are on their own. The expectation of the public is that licensed drivers should be honest, not violent, not under the influence of alcohol or any other intoxicating substance, and will get along with all sectors of the community and not be involved in criminal activity in any way and that is reflected in this Policy.

3.7 Application Procedure

- 3.7.1 An application for a combined hackney carriage and private hire driver's licence must be made on the specified application form. The application procedure is set out in **Appendix E**.
- 3.7.2 The Authority will consider each application on its own merits once the application form and supporting documents are complete, in accordance with **Appendix E**.

3.8 Renewal of Licences

- 3.8.1 Applications for renewal must be submitted at least 60 days prior to the expiry of the previous licence. It is the responsibility of the applicant to ensure all applications are submitted in time with all supporting documentation, as set out in the driver licence conditions in **Appendix E**.
- 3.8.2 If the application with all supporting documentation is not submitted 60 days the driver will not be authorised to drive a hackney carriage or private hire vehicle, once the previous licence expires. If the previous licence expires before a renewal is made, the applicant will have to make an application for a new licence, not a renewal.

3.9 Convictions

- 3.9.1 Licensed drivers and operators, who are convicted of any criminal convictions including motoring offence, fixed penalties, civil injunctions, restraining orders must disclose the conviction and the penalty involved to the Authority within 2 working days.

- 3.9.2 Breaches of the relevant licence conditions or convictions, cautions or orders for restorative justice imposed during the relevant licence term will be dealt with following the general principles set out in **Appendix I**.

3.10 Conditions of Licence

- 3.10.1 It is considered that the Code of Conduct set out in **Appendix F** is reasonable necessary and appropriate for all licensed drivers.

4.0 Private Hire Operators Requirements and Obligations

- 4.1 Any person who operates a private hire service must apply to the Authority for a private hire operator's licence. "Operate" means to make provision for the invitation or acceptance of bookings for private hire vehicles in the course of business. (Hackney carriage proprietors who take bookings for hackney carriages (pre-booked hackney carriage work) or other persons who take bookings for and then dispatch hackney carriages do not require private hire operator's licences).
- 4.2 The objective in licensing private hire operators is ensuring the safety of the public, who will be using operators' premises, vehicles and drivers arranged through them.
- 4.3 A private hire operator must ensure that they only take bookings for, and dispatch private hire vehicles licensed by Staffordshire Moorlands District Council and that the vehicles are only driven by private hire drivers which also hold a licence issued by Staffordshire Moorlands District Council, unless the work is contracted out in accordance with the Deregulation Act 2015 and Sections 55A and 55B of the Local Government (Miscellaneous Provisions) Act 1976. If the work is sub-contracted, the subcontractor must still use vehicles and drivers licensed by the same authority that licences the subcontractor.
- 4.4 Applications for operator's licences must be made on the prescribed form, together with the appropriate fee. An officer acting under delegated powers will then decide whether the applicant is a Safe and Suitable to hold an operator's licence where the application falls outside of the policy this will be dealt with by the Sub Committee.

5.0 Criminal Record Checks

- 5.1 Before an application for a private hire vehicle operator's licence will be considered, the applicant must provide a current (dated within one month) Basic Disclosure of Criminal Convictions and in addition for overseas applicants a certificate of good conduct from the relevant embassy.
- 5.2 If any convictions are disclosed the Authority will apply the policy set out in **Appendix I**

under relevance of Convictions.

6.0 Conditions for Operators

The conditions set out in **Appendix H** are considered reasonably necessary in order to exercise control, vigilance and enforcement over private hire operators in the Borough and will apply to all operators' licences.

7.0 Licence Duration

- 7.1 Successful applicants will normally be granted a private hire operator's licence for 5 Years unless the Authority considers there is good reason not to do so. If an operator wishes to be granted a licence for 1 year this will be considered.
- 7.2 It is the licence holder's responsibility to ensure that their operator's licence is renewed appropriately. The operator must apply to the Authority in writing on the appropriate application form together with any accompanying documents at least 21 days before the expiry of the current licence if he/she requires the licence to be renewed for a further period.
- 7.3 If the application with all supporting documentation is not submitted 21 days before expiry, the operator will not be authorised to operate their business, once the previous licence expires. If the previous licence expires the applicant will have to make an application for a new licence, not a renewal.

8.0 Operating Base

- 8.1 The operator's licence will specify the address from which the operator will operate. This must be within the area of Staffordshire Moorlands District Council. Operate means 'to make provision for the invitation and acceptance of bookings for a private hire vehicle', and the Authority considers that the meaning of making provision for the invitation and acceptance of bookings means the premises where the day to day business is conducted, where bookings are physically taken and recorded and where the physical and/or electronic records are kept and can be inspected. The specified Operators base premises must have a unique and dedicated local prefix number (01538), (01782) telephone number. Free phone numbers, lo-cost, premium and mobile numbers will have to be registered to the operating base (and evidence submitted to the authority) these telephone numbers must be used for bookings. Existing Operators will be expected to comply with the new licence conditions set out in this policy upon renewal.

- 8.2 The operator's licence is a personal or company licence and is not transferrable between individuals. Any change of operating address within the Borough must be notified to the Authority at least 7 days before the date of the change, and a new licence showing the new address will be issued and a charge will be made in accordance with our fees and charges.
- 8.3 To operate a private hire business from any premises, planning permission for such business use is normally required. All applications for an Operator's Licence are forwarded to the relevant planning department. It is the applicant's responsibility to ensure that any necessary planning permissions are in place and failure to do so may result in planning enforcement action being taken and if such permission is not obtained the temporary suspension or permanent withdrawal of the operator's licence until alternative authorised premises are in place.

9.0 Bases outside the Authority's Area

- 9.1 It is a statutory requirement as well as a condition of a private hire operator's licence that the licensee operates from premises within the district of the Authority. The Authority will not grant any operator's licence where the operating base is outside the boundary of the District. This is to ensure both compliance with the legislation and that proper regulation and enforcement measures may be taken.

10.0 FARES

10.1 Hackney Carriage

- 10.2 Hackney carriage fares fixed by the Authority are a maximum, and a lower fare can be negotiated between the passenger and driver."

11.0 Prescribed Rates

- 11.1 The driver of a hackney carriage vehicle, whether by agreement or otherwise, must not charge any fare greater than the rate prescribed by the Authority for a journey within the Staffordshire Moorlands District.

12.0 Table of Fares

- 12.1 A table of authorised fares will be provided to each hackney carriage proprietor which must be displayed in each vehicle so that it is easily visible to all hirers.

13.0 Review

13.1 Fare rates are reviewed on a regular basis by the Authority and also on application by the Trade.

14.0 Receipts

14.1 All licensed drivers must, if requested by the passenger, provide him/her with a written receipt for the fare paid.

15.0 Private Hire Fares

15.1 Private hire fares may be determined by the private hire operator that takes the booking. The operator of a private hire vehicle may make their own agreement with the hirer as to the fare for a particular journey.

15.2 Private hire vehicles may have a calibrated meter in which case a table of applicable fares must be displayed.

15.3 Private hire vehicles will also be required to display a sign (as determined by the authority) on the rear doors of the vehicle stating 'Insurance invalid unless you pre book this vehicle with a private hire firm'.

16.0 Disciplinary and Enforcement Measures

16.1 The Authority has a responsibility to ensure that all drivers, owners and operators of vehicles adhere to high standards as required by the legislation, byelaws and conditions set out in the appendices. The Authority will endeavour to do this in a consistent and transparent manner.

17.0 Enforcement

17.1 To encourage responsible hackney carriage/private hire businesses, the Authority will operate a firm but fair disciplinary and enforcement regime. The penalty points scheme will be introduced with a view to balancing the promotion of public safety with the need to permit individuals to safeguard their livelihood without undue interference. **(The Penalty Point Scheme is set out in Appendix J)**

17.2 The Authority will liaise with other bodies in carrying out its enforcement procedures, including officers of other Local Authorities and Police Forces.

17.3 Enforcement will be carried out in accordance with the policy and procedures set out in **(Appendix J)**

18.0 Disciplinary Hearings

- 18.1 Disciplinary hearings will deal with matters for example such as penalty points, breach of licence conditions and code of conduct which could result in the revocation or suspension of a licence or vehicle, in these cases matters will be referred to the Authority's Licensing Sub Committee. The Sub-Committee will consider whether the individual is safe and suitable to hold a licence, and take necessary action appropriate to the circumstances. The procedures for Sub-Committee hearings are set out in **(Appendix K)**

19.0 Range of Powers

- 19.1 The Authority may take any of the steps below:
- prosecution;
 - revocation of the licence;
 - suspension of the licence;
 - refusal to renew or issue a licence;
 - add or remove conditions;
 - issue of warnings/notices in accordance with the penalty points scheme

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**APPENDIX (A)
THE CONSIDERATION
OF APPLICATIONS**

APPENDIX A

THE CONSIDERATION OF APPLICATIONS

1. Upon receipt of a properly completed application form together with all the information required with it, an officer of the Licensing Section of the Authority will consider the application. Where the application is incomplete, it will not be considered until all the missing details or documents are supplied.
2. An applicant who fails to meet all required tests, conditions and standards will not be deemed a safe and suitable person and the application for a licence will be refused.
4. Successful applicants will be notified in writing and issued with the appropriate licence. Those who are granted drivers' licences will be issued with a driver's badge, which remains the property of the Authority and must be surrendered when the driver licence lapses or at any earlier time if so required by an authorised officer acting reasonably when he/she believes a serious contravention of the policies may have occurred. It must be displayed or worn at all times whilst the driver is driving a licensed vehicle.
5. Where the authorised officer is not satisfied, on the information before him/her, 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 Licensing Sub-Committee at which the application will be considered and the applicant will be invited to attend, accompanied by a representative if desired.
6. At the Licensing Sub-Committee meeting, the Authority members present will receive a report from a representative of the Licensing Team, and shall then hear representations from the applicant and may ask any questions of the applicant or the Authorities officers before deciding upon whether a licence should be granted. The applicant will be told of the outcome immediately unless in the circumstances this is not possible and the decision will be confirmed in writing.
7. Unsuccessful applicants will be informed of their right to appeal against the decision to the Magistrates' Court (or Crown Court in the case of a refusal to grant a hackney carriage proprietors licence) within 21 days of receipt of the written notice of refusal of the application.

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APPENDIX (B)

VEHICLE LICENCE SPECIFICATIONS AND APPLICATION PROCEDURE

APPENDIX B

VEHICLE LICENCE SPECIFICATIONS AND APPLICATION PROCEDURE

1. The Authority will not issue a licence until they are satisfied that the vehicle has a valid MOT certificate issued one month prior to the application being submitted.
2. When presenting an application, the following documents **MUST** accompany the application form –
 - **REGISTRATION DOCUMENT** - which must show the registered keeper(s), or a bill of sale which clearly states details of the vehicle, the vendor and purchaser;
 - **INSURANCE CERTIFICATE OR COVER NOTE** - applicants may be required to produce further evidence on or before the expiry of the cover note;
3. In every application, the full name and address shall be given of -
 - the person applying for a licence;
 - every owner or part owner of the vehicle;
 - any person concerned, either solely or in partnership with any other person, in the keeping, employing or letting to hire of the vehicle;
4. When the owner is an incorporated body, the full name/company name and registered office address shall be given.
5. Any person who knowingly omits the name of any person who is a proprietor or part proprietor of such vehicle, or who is concerned in the keeping, employing or letting for hire of such vehicle may be liable to further action by the Authority. Vehicle Licence Proprietors and Operators will be required to obtain a basic DBS certificate (available from Disclosure Scotland) on new and renewal applications.
6. The names that appear on the declaration of ownership will be entered on to the hackney carriage/private hire vehicle licence and in every such licence shall be specified the name and surname and place of abode of every person who is a proprietor or part proprietor of the hackney carriage/private hire vehicle in respect of which such licence is granted.

7. General

All licensed vehicles shall comply in all respects with the requirements set out by specifications as appropriate for the type of vehicle (hackney carriage or private hire including Non Standard Private Hire Vehicles). This is in addition to all requirements of the Road Traffic Legislation, which relates to all motor vehicles.

- 7.1 All vehicles shall have an appropriate “type approval” which is either a
- European Whole Vehicle Type approval;
 - British National Type approval; or
 - British Single Vehicle approval.
- 7.2 All vehicles shall be either a purpose built hackney carriage, four or five door saloon, hatchback or estate or a multi-passenger vehicle, or motorcycle. Private hire vehicle shall not be of a purpose built hackney carriage (black cab) type.
- 7.3 All new vehicles presented for licensing must have no damage affecting the structural safety of the vehicle and have no more than **75,000 miles** on the Odometer along with a valid MOT certificate which has been issued no more than one month prior to the application being submitted.
- 7.4 The Authority will not licence vehicles which carry a Q Registration or a V23. Q plates are issued by the DVLA when Identity of a vehicle cannot be established, V23 is when the vehicle has been involved in an insurance claim and has been written off.

8.0 Advertising and Livery

8.1 Operator Advertising

- 8.1.1 Advertising on or in the vehicle will be limited to the operator’s company name, logo and telephone number/website/email address (along with details of fares scales or discounts offered). All Private Hire Vehicles will be required to clearly display the operators name on the outside of the vehicle.

8.2 Other Advertising

- 8.2.1 Any other advertising on or in the vehicle will only be permitted with the express consent of the Authority and will be limited to the side panels of a vehicle only. The advertising of alcohol or related products, gambling/betting and sexual entertainment venues or other hackney carriage/private hire organisations is strictly prohibited.

8.3 Livery

- 8.3.1 **From 1st January 2017** all applications for a new Hackney carriage proprietors licence, or a replacement vehicle on an existing Hackney carriage proprietors licence (where the vehicle is either being replaced as a result of the proprietor’s wishes or because it has reached the specified mileage limit), must relate to a vehicle which **must display a large decal on the bonnet and also the front passenger and driver doors stating “Staffordshire Moorlands District Council Licensed Hackney Carriage Vehicle”, the first set of decals will be provided by the Authority, additional decals will be recharged on a cost recovery basis.**

- 8.3.2 Vehicles used as substitute hackney carriages for reasons of disrepair and/or accident need not comply with the standard livery above, for a maximum period of 1 month from the date of the grant of the licence to that vehicle. After that month the matter will be reviewed by the authority and either a further period of exemption will be allowed or the vehicle must accord with the requirement for hackney carriages.

9.0 Security, CCTV and Tracking Devices

- 9.1 It is not considered that such measures should be compulsory at this time. The hackney carriage and private hire vehicles trades are, however, encouraged to build good links with the local Police force, including participation in any Crime and Disorder Reduction Partnerships.
- 9.2 If a decision to install CCTV in a vehicle is made it must comply with the conditions listed in Appendix M of the Council's adopted Licensing Policy.

10.0 Doors

- 10.1 All saloons, estates or purpose built hackney carriage vehicles shall have at least four side opening doors, which are capable of being opened from the inside and the outside. Minibuses, people carrier type vehicles and rear loading wheelchair accessible vehicles shall have at least three doors not including any tailgate or rear doors.

11.0 Seats

- 11.1 Passenger seats must be at least 400 mm wide per passenger with no significant intrusion by wheel arches, armrests or other parts of the vehicle. There must be a minimum of 860 mm headroom for all passenger seats measured from the rear of the seat cushion to the roof lining. There must be a minimum of 180 mm legroom for all passenger seats measured from the front edge of the seat to the rear of any seat, dashboard or internal panel in front.

12.0 Seat Belts

- 12.1 All vehicles must be fitted with fully operational seat belts, one for each passenger to be carried.

13.0 Passenger Capacity

- 13.1 The carrying capacity of all vehicles shall be at the discretion of the Authority having regard to manufacturer's specifications and compliance with dimensions referred to previously.

14.0 Ventilation

- 14.1 Windows must be provided at the rear and sides along with means of opening and closing not less than one window on either side.

15.0 Maintenance and Condition of Vehicles

- 15.1 The interior and exterior of the vehicle must be maintained in a clean and safe manner to the reasonable satisfaction of the Authority, in particular the exterior of the vehicle shall be free of large dents, rust or unrepaired accident damage and shall at all times have uniform paintwork of an equivalent standard to that originally applied by the manufacturer. The seats shall be required to function in accordance with the original manufacturer's specification.

- 15.2 Vehicles may be spot checked at any time. If, upon spot check, it is discovered that a vehicle is unsafe or unsuitable for the carrying of passengers a notice may be served to this effect setting out the defects to be remedied. If public safety is compromised by the defects the Authority will issue a notice of suspension. Further use of the vehicle may be prohibited until the defects have been addressed. Penalty Points will be added to the driver and or operators records for non-compliance **APPENDIX I**.

16.0 Exemption from Displaying Plates

- 16.1 Display of the PHV and Hackney Carriage licence plates is a key way of the public and licencing officers readily identifying that the vehicle is licenced, that it has passed through all the licensing processes and may be easily spot checked by officers. By law plates and other identifying marks must be displayed at all times and they cannot be removed or covered up, even when the vehicle is not working or is being used for family journeys, unless it is appropriate for other arrangements to be put in place, at the Council's discretion.

The overriding consideration will be public safety so before any dispensation is granted the Council must be satisfied that an exemption from displaying plates is an absolutely critical to the business of the applicant. Applications for exemption from displaying external identification plates and/or other signage may be made in respect of individual vehicles only. Applications for exemption relating to a fleet of vehicles will not be allowed.

- 16.2 The requirements contained in **Appendix N** must be met to satisfy the Authority of the validity of the request and the necessity of allowing this dispensation.

17.0 Communication Devices

- 17.1 All two-way radio equipment must be of a type currently approved by the Radio Communications Agency.
- 17.2 Any radio equipment fitted to the vehicle must be fitted securely and safely and in accordance with relevant guidelines.

18.0 Meters

18.1 Hackney Carriages

The vehicle Taximeter shall be brought into operation at the commencement of the journey and the fare demanded by the driver shall not be greater than fixed by this Authority in connection with the hire of hackney carriages. In the event of such a journey commencing in but ending outside the district there may be charged for the journey such fare or rate of fare, if any, as was agreed before the hiring was effected, if no such agreement was made then the fare to be charged should be no greater than that fixed by the Authority in connection with the hire of hackney carriages.

18.2 Private Hire

Private hire vehicles may or may not be fitted with a Taximeter. Any Taximeter fitted to a private hire vehicle must comply with the conditions and requirements set out in the first paragraph under hackney carriages above.

In a vehicle with a fitted Taximeter, the current fare chart shall be clearly displayed in the vehicle or there shall be exhibited within the vehicle, so as to be plainly visible to passengers carried therein, a notice indicating that hire charges for the vehicle are not prescribed by the Authority but are a matter of negotiation with the hirer.

19.0 Trailers

- 19.1 Trailers may only be used with the prior approval of the Authority and subject to the following requirements:
- at no time may any passenger be carried in or on a trailer
 - trailers can only be used on private hire vehicles, or when a hackney carriage is undertaking pre-booked work, and cannot be attached to or used by a hackney carriage when plying or standing for hire ;
 - the trailer must at all times comply with all requirements of Road Traffic Legislation.
 - the vehicle insurance must include cover for towing a trailer;
 - trailers must not be left unattended anywhere on the highway;
 - a suitable lid or other means of enclosure shall be fitted to secure and cover the contents of the trailer whenever in use.

- 19.2 The driver and operator are expected to know the gross train weight (GTW; also known as MAM, GVW and GCW) for the towing vehicle and ensure that the combined weight of the towing vehicle, passengers, fuel and any luggage carried in the towing vehicle and the trailer itself with contents at no time exceed this figure.
- 19.3 Should an authorised officer at any time consider that a vehicle appears to be overloaded and in excess of the GTW, thus potentially affecting the steering, braking and stability of the vehicle he/she may require that the vehicle does not proceed until the load is reduced to an acceptable level, which may necessitate an additional vehicle being sourced.

20.0 Wheelchair Access

- 20.1 It is the operator's responsibility to ensure all drivers using such adapted vehicles are properly trained in the use of specialist aids and equipment. It is the driver's responsibility NOT to undertake the transfer of wheelchair passengers unless they have had such training and are fully confident of their knowledge and competence to use the aids and equipment; also to ensure that the aids and equipment are used as intended and at no time is a passenger carried in an unsecured wheelchair or that a wheelchair is conveyed in such a way that it may cause an accident and/or injury to an occupant, other passengers, the driver or any third party. Failure to observe this requirement will be regarded most seriously by the Authority and may lead to the suspension or withdrawal of the operator or driver licence.
- 20.2 Where a vehicle is utilised for the carriage of passengers in a wheelchair, the following conditions shall apply -
- the vehicle must have been manufactured or properly adapted for that purpose
 - access to and exit from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus;
 - wheelchair internal anchorage must be of the vehicle manufacturer's design and construction and secured in such a position as not to obstruct any emergency exit;
 - a suitable restraint must be available for the occupant of a wheelchair;
 - access ramps or lifts to the vehicle must be securely fixed prior to use, and be able to support the wheelchair, occupant and helper; and
 - ramps and lifts must be securely stored in the vehicle before it may move off.
- 20.3 Any equipment fitted to the vehicle for the purpose of lifting disabled persons or a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (SI 1998/2307) or any other subsequent regulations. Any such equipment must be maintained in a good working order and be available for use at all times.

- 20.4 Where a vehicle is designed or adapted to carry a wheelchair, the licensee shall ensure that he/she or their driver has received sufficient training to load and convey wheelchair bound passengers.
- 20.5 In addition to the provisions of signage/advertising above, a sign must be affixed to the outside of the vehicle indicating that it is able to convey passengers in wheelchairs.

21.0 Vehicles Powered by Liquid Petroleum Gas (LPG)

- 21.1 An applicant who wishes to licence a vehicle that has been converted to run on LPG is required to produce, prior to a licence being issued, a certificate issued by a member of the LPG Association confirming satisfactory installation, examination and testing of the vehicle in accordance with the LPG Association Code of Practice and that the vehicle is therefore considered safe. If the LPG fuel tank is situated in the vehicle's boot space there must be sufficient space remaining to carry a reasonable amount of luggage and any spare wheel displaced as a result must be securely stowed in a location that does not impinge on the passenger carrying area of the vehicle (a reasonable amount of luggage is a minimum of one medium sized case per passenger).
- 21.2 If a licensed vehicle undergoes an LPG conversion, the authority must be notified of the date of the conversion, and the vehicle cannot be used as either a hackney carriage or private hire vehicle until a certificate issued by a member of the LPG Association confirming satisfactory installation, examination and testing of the vehicle in accordance with the LPG Association Code of Practice and that the vehicle is therefore considered safe has been provided to the Authority. In any such case, that involves installation of an LPG fuel tank in a vehicle's boot space (and possible relocation of the spare wheel) it is a requirement that an amount of space shall remain free for the stowage of a reasonable amount of luggage and any spare wheel displaced as a result must be securely stowed in a location that does not impinge on the passenger carrying area of the vehicle.

22.0 Tinted Windows

- 22.1 The windows or windscreen of any vehicle must not have been treated so that less than 70% of light is transmitted through it. The Authority will only accept vehicles fitted with Manufacturers tinted glass up to that limit, and will not accept retrospective tinting.

23.0 Vehicles for 5 to 8 Passengers

- 23.1 The vehicle must have at least two unobstructed doors for passengers (either two sides or one side and one rear).
- 23.2 Passenger seats must be at least 400 mm wide per passenger with no significant intrusion by wheel arches, armrests or other parts of the vehicle. There must be a

minimum of 860 mm headroom for all passenger seats measured from the rear of the seat cushion to the roof lining. There must be a minimum of 180 mm legroom for all passenger seats measured from the front edge of the seat to the rear of any seat, dashboard or internal panel in.

- 23.3 Provision must be included to ensure that luggage is stored safely and securely and must not obstruct the use of exits.

24.0 Insurance

- 24.1 The vehicle must be covered by a policy of insurance during the time the vehicle is licensed as either a hackney carriage or private hire vehicle, which covers the vehicle for such use. Private Hire Vehicles must not be insured for public hire.

- 24.2 If the insurance cover on the vehicle is cancelled, expires or fails to cover the use to which the vehicle is being licensed, the Authority shall be informed immediately and the vehicle shall not be used until appropriate cover is obtained or the licence must be surrendered

25.0 Inspection

- 25.1 The vehicle licence must be produced for inspection at all reasonable times on request by an authorised officer of the Authority or any Police Officer.

26.0 Unauthorised Use

- 26.1 The proprietor of a private hire vehicle or hackney carriage must not allow the vehicle to be driven and used for hire by any person who does not hold a current combined private hire and hackney carriage driver's licence issued by the Authority.

27.0 Accident Reporting

- 27.1 A proprietor or driver of a hackney carriage or private hire vehicle must report to the Authority any accident to the vehicle causing any damage. Accidents must be reported within 2 working days of the occurrence.

- 27.2 An authorised officer of the Authority may suspend the use of a licensed vehicle until it is suitably repaired and found to be safe to use as a licensed vehicle.

DECEMBER 2016

APPENDIX (C)
PRIVATE HIRE VEHICLE LICENCE
CONDITIONS

APPENDIX C

PRIVATE HIRE VEHICLE LICENCE CONDITIONS

1. Maintenance of Vehicle

The Proprietor must ensure:

- a) That the vehicle is maintained in a sound mechanical and structural condition at all times.
- b) That the bodywork and paintwork of the vehicle is in mint or near mint condition. This means that it is as close to the manufacturers original standard as possible and is maintained in this condition throughout the duration of the licence.
- c) That the roof, any sunroof or soft top is watertight.
- d) That the condition, fixing and routing or positioning of electric cables, wire looms and fittings are such that there is no risk of electrical fire or other accident.
- e) That at least three doors are provided for the use of passengers other than the driver's door.
- f) That the vehicle is provided with adequate windows and that at least one window on each side is capable of being opened and closed and all opening windows are weatherproof when closed.
- g) That door hinges, locks and handrails and any grab handles fitted in the vehicle are secure and sound and not liable to injure any passengers or damage or soil their clothing.
- h) That a spare wheel (either full-size or space saver depending upon the manufacturers original equipment) is provided which is readily available for use, together with the tools and equipment required to carry out a wheel replacement. An acceptable alternative is a Foam Kit if issued as either a standard or option from the manufacturer when the vehicle was first registered.
- i) That the fittings and furniture of the vehicle are kept clean and well maintained and in every way fit and safe for public use.
- j) That the internal linings of the vehicle are sound, clean and not liable to damage or soil passengers' clothing and the floor is provided with a proper carpet, mat or other suitable floor covering which is sound and clean.
- k) That the seats are properly cushioned and covered and the covers are in a sound and clean condition.
- l) That proper and efficient internal lighting is fixed to the vehicle and is functioning properly.
- m) All vehicles must be fitted with fully operational seat belts, one for each passenger to be carried, fully compliant with British National Standards except where the law specifically provides an exemption.
- n) Any repairs to the vehicle must be carried out with new parts which meet the manufacturer's original specification. Reconditioned or salvaged parts must not be used. Only new tyres are to be used on licenced vehicles.

- o) At all times the following items must be available within the vehicle, a spare bulb kit, a British Safety Standards First Aid Kit BS8599-2:2014 and a BS5423/EN3 Fire Extinguisher.
2. No vehicle must be fitted with 'bull bars' or other modification, internally or externally, that may increase the risk of injury to passengers, pedestrians or other road users.
3. When vehicles reach a recorded mileage of 300,000 (as evidenced via the odometer, service records/maintenance history or other documentation) they will be deemed inappropriate to be licensed by the Authority as a Private Hire vehicle.
4. Advertising on or in the vehicle will be limited to the operator's company name, logo and telephone number/website/email address (along with details of fares scales or discounts offered). All Private Hire Vehicles will be required to clearly display the operators name on the outside of the vehicle.
5. The proprietor of the vehicle shall not permit to be conveyed in the vehicle more than the number of persons for which the vehicle is licensed, regardless of the age or size of the passengers. A child of any age, whether they are being transported in a child seat or not, is counted as a passenger for this purpose.
6. Luggage which is carried in any part of the vehicle other than the boot or luggage compartment must be secured in place and not obstruct any exit.
7. **Licence Plates and Stickers**
 - a) All plates, signs, side stickers, etc. remain the property of the Authority and must be surrendered to an Authorised Officer upon request immediately following suspension of a vehicle and within seven days of a notice being served.
 - b) At all times while the vehicle is licensed as a private hire vehicle there shall be securely fixed to the exterior front and exterior rear of the vehicle the appropriate vehicle licence plates supplied by the Authority.
 - c) The maximum number of persons to be carried is identified on the vehicle licence plate referred to above. A child of any age is counted as one person.
 - d) Private hire vehicles will also be required to display a sign (as determined by the authority) on the rear doors of the vehicle stating 'Insurance invalid unless you pre-book this vehicle with a private hire firm'.
 - e) Within 24 hours of the expiry, revocation or suspension of a private hire vehicle licence, the vehicle licence holder must return the expired licence and vehicle plates to the Authority.

- f) For Vehicles with an existing licence that have received a written dispensation from the Authority are required to display a credit card size plate in the front window of the vehicle and a window sticker in the rear of the vehicle clearly stating they are licensed by the Authority. (If tinted rear windows are fitted to the vehicle and the sticker is not clearly visible a rear plate will have to be affixed to the vehicle).

8. **Private Hire Vehicle Markings**

- a) A private hire vehicle must not carry any roof sign. Nor any other markings that might give the impression that it is a hackney carriage.
- b) Any advertising or signage on the vehicle must specifically not include the words “taxi”, “cab” or “hackney carriage” the use of which is not permitted.
- c) No alternative words or spellings, such as “Kab”, which would have the effect of leading the public to believe that a vehicle is a hackney carriage available for hire, may be used on the vehicle.

9. **Deposit of Licences**

- a) Before a proprietor permits or employs any other person to drive his or her private hire vehicle they must obtain a copy of the relevant driver's private hire driver's licence from that person and not allow any person without such licence to drive the vehicle.
- b) The copy licence must be kept until such time as the driver ceases to be permitted or employed to drive that vehicle.
- c) The proprietor of the vehicle must deposit a copy of the vehicle licence with the operator before undertaking any passenger carrying journeys booked with that operator.
- d) The loss or theft of any vehicle licence must be reported to the Authority as soon as possible. In the case of theft, the Police must also be informed.

10. **Communication Devices**

Communication devices and any radio equipment fitted to the vehicle must be fitted securely and safely and in accordance with the manufacturer's guidelines.

11. **Meters (If Fitted)**

Where Private Hire Vehicles have a meter it must be fitted and be correctly:

- Calibrated
- Sealed and fully functional in accordance with the Authority's current approved fare structure.

12. **Livery**

From 1st January 2017 All new vehicles presented for licensing must have no damage affecting the structural safety of the vehicle and have no more than **75,000 miles** on the Odometer along with a valid MOT certificate which has been issued no more than one month prior to the application being submitted.

13. **Alteration of Vehicle**

During the currency of the licence, no alteration or change in the specification, design, condition, appearance or colour of the vehicle including the addition of tinting to windows can be made without the written approval of the Authority.

14. **Damage to Vehicle and Reporting of Accidents**

Any damage to the vehicle materially affecting the safety, appearance or performance of the vehicle or the comfort or convenience of passengers must be reported to the Authority as soon as reasonably practicable and in any event within 2 Days of the occurrence of the damage. The proprietor must report any accident of a licenced vehicle within 2 working days to the Authority.

15. **Routine Inspection and Testing**

The proprietor must:

- a) Present a valid MOT certificate to the Authority for the vehicle every six months.
- b) Must ensure that all advisory items identified on the MOT are completed before application and documentation confirming the works have been carried out is submitted to the Authority.

16. **Inspection by Authorised Officer**

- a) The proprietor of the vehicle must at all reasonable times permit an authorised officer or police constable in uniform to inspect the vehicle or any taxi-meter affixed to it for the purposes of ascertaining its fitness.

- b) The proprietor must comply with any notice given by an authorised officer or police constable suspending the vehicle licence until such time as the officer or constable is satisfied as to its fitness or the fitness or any meter affixed to it.
- c) Penalty Points for transgressions to conditions or legislation will be applied to the vehicle licence in accordance with **Appendix J**.

17. Animals

- a) No animal belonging to the proprietor or driver of the vehicle shall be conveyed in the vehicle.
- b) Any animal belonging to a passenger must be conveyed in the rear seating area of the vehicle and shall when necessary be contained so as not to present a nuisance or hazard to the occupants of the vehicle.
- c) Paragraph (b) does not in any way remove or reduce the duty placed on the driver of the private hire vehicle to carry assistance dogs in the passenger compartment with the dogs' owner under s170 Equality Act 2010 unless the driver has a valid exemption certificate issue by this authority under s171.

18. Documents

When requested by an authorised officer, the proprietor of the vehicle must produce the following documents within 24 hours for inspection: -

- a) The vehicle registration document
- b) The current vehicle insurance certificate
- c) His/her driving licence

19. Change of Address

The proprietor must: -

- a) Notify the Council in writing of any change of address within 7 days of such change
- b) Notify the Council in writing of any change of address from which he/she carries on the business with which the vehicle is connected if different from his/her home address within 7 days of such change
- c) Within 7 days of a change of either of the addresses referred to in (a) or (b) above return the vehicle licence to the Council of amendment.

20. Conviction

The Propriety must within 2 working days of any conviction, fixed penalty notice, driving licence endorsement, Criminal Behaviour Order or any other such order or notice being imposed on them. (Or if the proprietor is a company the company or directors of the company and or if a partnership or any of the partners) the proprietor must disclose to the Authority in writing details of the matter.

21. **Loss of Licence**

The proprietor must report the loss of the vehicle licence to the Council in writing as soon as the loss becomes known.

22. **Return of Licence**

The proprietor must immediately return the licence to the Council in the event of the expiry, surrender, suspension or revocation of the licence.

23. **Payment by Cheque**

A licence in respect of which the fee has been paid in part or in full by cheque shall be of no effect in the event of that cheque being subsequently dishonoured, licences will not be issued until the cheque has cleared.

24. **Insurance**

The proprietor must maintain a policy of insurance covering the use of the vehicle as a Private Hire Licensed vehicle issued by an insurance company.

25. **Touting Etc.**

The licensee must not while driving or in charge of a private hire vehicle:

- a) Tout or solicit on a road or other public place any person to hire or be carried for hire in any private hire vehicle, or
- b) Cause or procure any other person to tout or solicit on a road or other public place any person to hire or be carried for hire in any private hire vehicle.
- c) In this condition: "road means any highway and any other road to which the public has access including bridges over which a road passes".

DECEMBER 2016

APPENDIX D HACKNEY VEHICLE LICENCE CONDITION

APPENDIX D

HACKNEY VEHICLE LICENCE CONDITION

1. Maintenance of Vehicle

The Proprietor shall ensure:

- a) That the vehicle is maintained in a sound mechanical and structural condition at all times.
- b) That the bodywork and paintwork of the vehicle is in mint or near mint condition: this means that it is as close to the manufacturer's original standard as possible and is maintained in this condition throughout the duration of the licence.
- c) That the roof, any sunroof or soft top is watertight.
- d) That the condition, fixing and routing or positioning of electric cables, wire looms and fittings are such that there is no risk of electrical fire or other accident.
- e) That at least two doors are provided for the use of passengers other than the driver's door.
- f) That the vehicle is provided with adequate windows and that at least one window on each side is capable of being opened and closed and all opening windows are weatherproof when closed.
- g) That door hinges, locks and handrails and any grab handles fitted in the vehicle are secure and sound and not liable to injure any passengers or damage or soil their clothing.
- h) That a spare wheel (either full-size or space saver depending upon the manufacturer's original equipment) is provided which is readily available for use, together with the tools and equipment required to carry out a wheel replacement. An acceptable alternative is a Foam Kit if that was either standard or option from the manufacturer when the vehicle was first registered.
- i) That the fittings and furniture of the vehicle are kept clean and well maintained and in every way fit and safe for public use.
- j) That the internal linings of the vehicle are sound, clean and not liable to damage or soil passengers' clothing and the floor is provided with a proper carpet, mat or other suitable floor covering which is sound and clean.
- k) That the seats are properly cushioned and covered and the covers are in a sound and clean condition.
- l) That proper and efficient internal lighting is fixed to the vehicle and is functioning properly.
- m) All vehicles must be fitted with fully operational seat belts, one for each passenger to be carried, fully compliant with British National Standards except where the law specifically provides an exemption.
- n) Any repairs to the vehicle must be carried out with new parts which meet the manufacturer's original specification. Reconditioned or salvaged parts must not be used. Only new tyres are to be used on licenced vehicles.

- o) At all times the following items must be available within the vehicle, a spare bulb kit, a British Safety Standards First Aid Kit BS8599-2:2014 and a BS5423/EN3 Fire Extinguisher.
2. No vehicle must be fitted with 'bull bars' or other modification, internally or externally, that may increase the risk of injury to passengers, pedestrians or other road users.
3. When vehicles reach a recorded mileage of 300,000 (as evidenced via the odometer, service records/maintenance history or other documentation) they will be deemed inappropriate to be licensed by the Authority for the use as a Hackney Carriage.
4. Advertising on or in the vehicle will be limited to the operator's company name, logo and telephone number/website/email address (along with details of fares scales or discounts offered).
5. The proprietor of the vehicle shall not permit to be conveyed in the vehicle more than the number of persons for which the vehicle is licensed, regardless of the age or size of the passengers. A child of any age, whether in they are being transported in a child seat or not, is counted as a passenger for this purpose.
6. Luggage which is carried in any part of the vehicle other than the boot or luggage compartment must be secured in place and not obstruct any exit.
7. **Licence Plates and Stickers**
 - a) All plates, signs, side stickers, etc. remain the property of the Authority and must be surrendered to an Authorised Officer upon request immediately following suspension of a vehicle and within seven days of a notice being served.
 - b) At all times while the vehicle is licensed as a Hackney Carriage there shall be securely fixed to the exterior front and exterior rear of the vehicle the appropriate vehicle licence plates supplied by the Authority.
 - c) The maximum number of persons to be carried is identified on the vehicle licence plate referred to above. A child of any age is counted as one person.
 - d) Within 24 hours of the expiry, revocation or suspension of a hackney carriage vehicle licence, the vehicle licence holder must return the expired licence and vehicle plates to the Authority.
8. **Deposit of Licences**
 - a) Before a proprietor permits or employs any other person to drive his or her private hire vehicle they must obtain a copy of the relevant driver's private hire driver's licence from that person and not allow any person without such licence to drive the vehicle.

- b) The copy licence must be kept until such time as the driver ceases to be permitted or employed to drive that vehicle.
- d) The loss or theft of any vehicle licence must be reported to the Authority as soon as possible. In the case of theft, the Police must also be informed.

9. **Communication Devices**

Communication devices and any radio equipment fitted to the vehicle must be fitted securely and safely and in accordance with manufacturer's guidelines.

10. **Livery**

From 1st January 2017 all Hackney carriage proprietors licence, or a replacement vehicle on an existing Hackney carriage proprietors licence (where the vehicle is either being replaced as a result of the proprietor's wishes or because it has reached the specified mileage limit), **must display a large decal on the bonnet and also the front passenger and driver doors stating "Staffordshire Moorlands District Council Licensed Hackney Carriage Vehicle"**.

From 1st January 2017 All new vehicles presented for licensing must have no damage affecting the structural safety of the vehicle and have no more than **75,000 miles** on the Odometer.

11. **Alteration of Vehicle**

During the currency of the licence, no alteration or change in the specification, design, condition, appearance or colour of the vehicle including the addition of tinting to windows can be made without the written approval of the Authority.

12. **Damage to Vehicle and Accident Reporting**

Any damage to the vehicle materially affecting the safety, appearance or performance of the vehicle or the comfort or convenience of passengers must be reported to the Authority as soon as reasonably practicable and in any event within 2 Days of the occurrence of the damage. The proprietor must report any accident of a licenced vehicle within 2 working days to the Authority.

13. **Routine Inspection and Testing**

The proprietor must:

- a) Present a valid MOT certificate to the Authority for the vehicle every six months.

- b) Must ensure that all advisory items identified on the MOT are completed before application and documentation confirming they have been carried out is submitted to the Authority.

14. **Inspection by Authorised Officer**

- a) The proprietor of the vehicle must at all reasonable times permit an authorised officer or police constable in uniform to inspect the vehicle or any taxi-meter affixed to it for the purposes of ascertaining its fitness.
- b) The proprietor must comply with any notice given by an authorised officer or police constable suspending the vehicle licence until such time as is the officer or constable satisfied as to its fitness or the fitness of any meter affixed to it.
- c) Penalty Points for transgressions to conditions or legislation will be applied to the vehicle licence in accordance with **Appendix J**.

15. **Animals**

- a) No animal belonging to the proprietor or driver of the vehicle shall be conveyed in the vehicle.
- b) Any animal belonging to a passenger must be conveyed in the rear seating area of the vehicle and shall when necessary be contained so as not to present a nuisance or hazard to the occupants of the vehicle.
- c) Paragraph (b) does not in any way remove or reduce the duty placed on the driver of the hackney carriage vehicle to carry assistance dogs in the passenger compartment with the dogs' owner under s168 Equality Act 2010 unless the driver has a valid exemption certificate issued by this authority under s169.

16. **Documents**

When requested by an authorised officer the proprietor of the vehicle must produce the following documents within 24 hours for inspection: -

- a) The vehicle registration document
- b) The current vehicle insurance certificate
- c) His/her driving licence

17. **Change of Address**

The proprietor must: -

- a) Notify the Council in writing of any change of address within 7 days of such change
- b) Notify the Council in writing of any change of address from which he/she carries on the business with which the vehicle is connected if different from his/her home address within 7 days of such change.
- c) Within 7 days of a change of either of the addresses referred to in or above return the vehicle licence to the Council of amendment.

18. **Convictions**

Within 2 working days of any conviction, fixed penalty notice, driving licence endorsement, Criminal Behaviour Order or any other such order or notice being imposed on the proprietor (or if the proprietor is a company on the company or directors of the company or if a partnership on any of the partners) the proprietor must disclose details of the matter in writing to the Authority.

19. **Loss of Licence**

The proprietor must report the loss of the vehicle licence to the Council in writing as soon as the loss becomes known.

20. **Return of Licence**

The proprietor must immediately return the licence to the Council in the event of the expiry, surrender, suspension or revocation of the licence.

21. **Payment by Cheque**

A licence in respect of which the fee has been paid in part or in full by cheque shall be of no effect in the event of that cheque being subsequently dishonoured. Licences will not be issued until the cheque has cleared

22. **Insurance**

The proprietor must maintain a policy of insurance covering the use the vehicle as a hackney carriage issued by an insurance company.

24. **Fares**

The licensee shall not demand a fare in excess of that prescribed by the fare table issued by the Council.

25. **Taximeters**

- a) A meter approved by the Authority must be fitted and be correctly calibrated, sealed and fully functional in accordance with the Authority's current approved fare structure.
- b) The driver must not cause the fare recorded thereon to be cancelled until the hirer has had a reasonable opportunity of examining it and has paid the fare.
- c) The driver must ensure that when the vehicle is not hired the key is to be locked and machinery kept inactive and the meter must show no fare at that time.
- d) The driver must ensure that the taximeter is sufficiently illuminated that when in use it is visible to all passengers.
- e) The driver must ensure that the fare or charge will be calculated from the point in the District at which the hirer commences his journey and shall not exceed that displayed on the taximeter at the completion of his journey.
- f) The driver must ensure that the taximeter is only brought into action at the commencement of the hirer's journey.

26. **Fare Tables**

The licensee and driver must ensure that the fare table is not concealed from view or rendered illegible while the vehicle is being used for hire.

DECEMBER 2016

APPENDIX E

DRIVERS LICENCE APPLICATION PROCEDURES AND SPECIFICATION

APPENDIX E

DRIVERS LICENCE APPLICATION PROCEDURES AND SPECIFICATION

1. These procedures are in place so that the applicant can demonstrate they have the necessary skills and knowledge to show they are a safe and suitable person to operate as a licensed hackney carriage and private hire driver.
2. Applications for a combined hackney carriage and private hire drivers' licence can be made at any time of the year. However, a licence will not be granted to a person who is under 21 years of age and who has not held a full relevant DVLA or EU/EEA driving licence for a minimum of 1 year.
3. Applications are to be made on the prescribed form available on request or on the Staffordshire Moorlands District Council website.
4. In support of a completed application form, the applicant must comply with the following:-
 - All Drivers whose applications were made after **1st January 2017** must complete and successfully achieve a pass in either the BTEC Level 2 certificate in the introduction to the role of the Professional Taxi or Private Hire Driver or the NVQ level 2 certificate in Road Passenger Vehicle Driving (Taxi and Private Hire Driver) or obtain an equivalent qualification within 1 year of the initial grant of licence, and must be enrolled on a course within 3 months of the licence being issued. Licences will only be issued for one year to applicants who have yet to complete the training and then on successful completion of the above requirement and upon presenting evidence of so doing to the Authority will be extended to the full term upon renewal.
 - From **1st January 2019** All Licensed Drivers must complete and successfully achieve a pass in either the BTEC Level 2 certificate in the introduction to the role of the Professional Taxi or Private Hire Driver or the NVQ level 2 certificates in Road Passenger Vehicle Driving (Taxi and Private Hire Driver) or obtain an equivalent qualification and present evidence of having done so before renewal of their licence. From 1st January 2019 this will be a pre-application requirement, and an application/renewal from any applicant who has not met this requirement will not be accepted.
 - All New drivers must attend a safeguarding course approved by the Authority; No licence will be issued until proof of attendance has been submitted to the Authority and verified. Existing Drivers must meet this requirement before renewal of their licence. From **1st January 2017** this will be a pre-application

requirement, and an application from any applicant who has not met this requirement will not be accepted.

- All drivers must present an original current full UK or EU/EEA driving licence and complete the section on the application form allowing the Authority to use their unique DVLA driver licence checking code.
 - All drivers will be required to sign up to the DBS's continuous checking service. (On-line update service) and provide the authority with the certificate number to enable checks to be made.
 - All drivers must provide a completed Disclosure of Convictions form
 - All drivers must provide an Enhanced Disclosure and Barring Service Certificate dated within 3 months of application and allow the authority to use the certificate number for future checks.
 - All drivers must pay the required fee;
 - All drivers must provide an independent medical certificate equivalent to (Group 2)
 - All drivers must provide a recent Passport size photograph.
 - All drivers must successfully complete the Authority's knowledge test (appendix f)
5. For applicants who do not possess a UK passport, documentary evidence confirming their right to live and work in the UK is required. The provision of a National Insurance number in isolation is not sufficient for the purposes of establishing the right to live and work in the UK. Checks may be made with the UK Border Agency or other relevant organisations.

Renewals

6. Applications for renewal must be submitted at least 60 days prior to the expiry of the previous licence. It is the responsibility of the applicant to ensure all applications are submitted in time with all supporting documentation.

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APPENDIX F

DRIVERS CODE OF CONDUCT

APPENDIX F

DRIVERS CODE OF CONDUCT

This code of conduct lays down the minimum standards of behaviour expected by holders of combined hackney carriage and private hire driver licence. These are not conditions attached to the licence but failure to adhere to this code or meet these minimum standards may result in action being taken against the driver's licence.

1. Conduct of Driver

The driver must: -

- a. Carry out a vehicle check at the start of each shift and record the check and make it available on request to an authorised officer.
- b. Behave in a civil and orderly manner;
- c. Pay attention to personal hygiene
- d. Dress so as to present a professional image to the public
- e. Ensure any tattoo's, body art or jewellery that may cause offence are properly covered
- f. Not wear any clothing or other item that is likely to cause offence
- g. Not have any signage or material in or on the vehicle that is likely to cause offence;
- h. Be polite, helpful and fair to passengers;
- i. Drive with care and due consideration for other road users and pedestrians
- j. Take all reasonable steps to ensure the safety of passengers conveyed in, entering into or getting out of the vehicle driven by him/her;
- k. Do Not smoke in the vehicle at any time (this provision also applies to the use of e-cigarette or vaping devices), and shall not eat or drink in the vehicle whilst it is being hired without the express consent of the hirer;
- l. Not without the express consent of the hirer, play any radio or any sound reproducing equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.
- m. Not at any time cause or permit the noise from any radio or similar equipment in the vehicle to be a source of nuisance or annoyance to any person whether inside or outside the vehicle or create a source of distraction for the driver.
- n. Not while driving or in charge of a private hire vehicle: - Tout or solicit on a road or other public place a person to hire or be carried for the hire in any private hire vehicle.
- o. Cause or procure any other person to tout or solicit on a road or other public place any person to hire or be carried for hire in any private hire vehicle.
- p. Offer that private hire vehicle for immediate hire while the driver of that private hire vehicle is on a road or other public place.
- q. Accept an offer for the immediate hire of that private hire vehicle while the driver of that private hire vehicle is on a road or other public place except where such

- an offer is first communicated to the driver by the operator by telephone, electronic notification, or by radio apparatus fitted to that private hire vehicle;
- r. In this code of conduct “road” means any highway and any other road or public place to which the public has access.
 - s. Not be under the influence of any amount of alcohol or drugs (unless prescription prescribed).

Must Never:

- a) Become over-friendly in any way with passengers or engage in any form of relationship, infatuation, crush or show favouritism
- b) Touch a passenger, unless in an emergency situation, or if required to do so because of the additional needs of the passenger
- c) Administer medication unless a specific request has been made by the hirer
- d) Photograph or video passengers in their care unless they are adults and have given their express consent to such activity (this will not apply where CCTV is fitted to the vehicle). used in compliance with data protection legislation and any relevant codes of practice issued by the Home Office or Information Commissioner’s Office
- e) Engage with passengers through social networking sites (such as Facebook and Twitter), instant messengers (such as MSN) or any other online communication software such as mobile phone applications or video games unless they are adults and have given their express consent to such activity
- f) Phone or send text messages to passengers other than directly concerning the hiring of any vehicle
- g) Swear, make any personal, derogatory, or humiliating comments, make any disrespectful remarks about any person or group of persons, including racial and religious groups or tell inappropriate jokes “(inappropriate” will include, but is not limited, to any joke relating to any of the foregoing);
- h) Offer or accept sweets, cigarettes or gifts of any sort
- i) Stop anywhere other than the specified pick up/drop off points other than at the request of the hirer
- j) Show passengers videos or pictures on your mobile phone or any other electronic device unless these were taken in compliance with d) above.

Drivers must always;

- a) Place the safety and wellbeing of passengers before any personal or commercial goals and before loyalty to friends
- b) Respect all individuals, regardless of age, development stage, disability gender, sexual orientation, gender reassignment religion/belief, language spoken, race or ethnicity
- c) Be aware of the vulnerability of the children and some adults, and of passengers with additional needs, be they adults or children.

3. **Badge**

The driver shall ensure that the badge is displayed in such a position and manner as to be plainly and distinctly visible at all times when discharging their duties as a driver of a licensed vehicle.

4. **Luggage**

- a) The driver must carry a reasonable quantity of passengers' luggage on or in the vehicle (a reasonable amount of luggage is a minimum of one medium sized case per passenger); and
- b) The driver must afford reasonable assistance in removing or depositing such luggage from or to the entrance of any dwelling, station or other place at which or near to which the driver picks up or sets down a passenger.

5. **Passengers**

The driver must not: -

- a) Convey or permit to be conveyed in a vehicle a greater number of passengers than that specified in the vehicle licence;
- b) Allow any child under the age of 10 years to be conveyed in the front of the vehicle;
- c) Allow more than one passenger to be conveyed in the front of the vehicle unless the vehicle licence states otherwise;
- d) Without the consent of the hirer of the vehicle convey or permit to convey any person other than the hirer and the driver in that vehicle.

6. **Animals**

- a) The driver must not convey in the vehicle any animal except one belonging to a passenger.
- b) The driver may carry any animal belonging to a passenger at his/her own discretion but only in the rear seating area of the vehicle and he/she shall ensure where necessary that such animals are suitably contained or restrained so as not to present a nuisance or hazard to the occupants of the vehicle.

- c) Paragraph (b) does not in any way remove or reduce the duty placed on the driver of the vehicle to carry assistance dogs in the passenger compartment with the dogs' owner under Equality Act 2010 unless the driver has a valid exemption certificate issue by this authority under that Act (sections 168 and 169 apply to hackney carriage drivers; sections 170 and 171 apply to private hire drivers).

7. Lost Property

- a) The driver must immediately after the termination of any hiring or as soon as practicable thereafter carefully search the vehicle for any property which may have been left in it.
- b) Any property found by the driver in the vehicle or handed to him or her shall, if not claimed by or on behalf of the passenger within 24 hours, be retained by the driver (in the case of a hackney carriage) or given by the driver to the vehicle operator in the case of a private hire vehicle. In both cases the driver must notify the local authority of the situation within 24 hours.

8. Prompt Attendance

The driver of a vehicle which has been hired to be in attendance at an appointed time or place must, unless delayed or prevented by some sufficient cause, punctually attend with the vehicle at the appointed time or place.

9. Destination

When hired to drive to a particular destination the driver must, subject to any directions given by the hirer, proceed to that destination by the shortest available route.

10. Meter

If the vehicle being driven is fitted with a meter the driver must: -

- a) On commencement of a journey bring the machinery of the meter into action and keep the meter in action until the termination of the hiring;
- b) Cause the meter to be properly illuminated throughout any part of the hiring which is during the hours of darkness and at any other time at the request of the hirer;
- c) Not conceal from public view the proprietor's fare table.

11. Fares

The driver must not demand from any hirer: -

- a) a fare higher than that displayed on the meter at the termination of the journey unless otherwise agreed with the hirer prior to the commencement of the journey.
- b) of a vehicle without a meter a fare in excess of that previously agreed for the hiring between the hirer and the operator.

12. Written Receipt

The driver must provide the hirer of the vehicle with a written receipt of the fare paid if required.

13. Plate

The driver must ensure that the plate and all other identification are at all times clearly visible to public view when the vehicle is being used or adhere to the dispensation given by the Authority **Appendix N**.

14. Change of Address

The driver must give notice to the Authority in writing of any change of address during the period of the licence and return the licence to the Authority for endorsement within 7 days of such change taking place.

15. Convictions

Within 2 working days of any conviction fixed penalty notice, driving licence endorsement, Criminal Behaviour Order, orders for restorative justice or any other such order or notice being imposed on the driver he/she must disclose details in writing to the Authority.

15.1 The driver must permit the Authority to carry out a check of their criminal history following notification of any criminal convictions, driving convictions, cautions, and orders for restorative justice or acceptance of fixed penalty notices during the period of the licence.

15.2. All drivers will be required to sign up to the DBS's continuous checking service. (On-line update service)

16. Medical Fitness

The driver must: -

- a) immediately notify the Authority in writing of any medical condition which arises after the issue of the licence and which may affect their ability to drive safely and cease to drive until the Authority confirms that they may do so, and
- b) if required to do so by the Authority produce a certificate signed by a Medical Practitioner as to their fitness to be a driver of a licensed vehicle and refrain from driving any licensed vehicle until such time as the certificate is delivered to the Authority.

17. Loss of Badge or Licence

The driver must report the loss of his/her badge or licence to the Authority in writing as soon as they become aware of the loss.

18. Return of Badge or Licence

The driver shall immediately return their licence and badge to the Authority in the event of the expiry, surrender, suspension or revocation of the licence.

19. Licence Renewal

The driver must apply to the Authority in writing on the appropriate application form at least 60 days before the expiry date of the current licence if he/she requires the licence to be renewed for a further period.

20. Payment by Cheque

A licence in respect of which the fee has been paid either in part or in full by cheque shall be of no effect in the event of that cheque being dishonoured. Licences will not be issued until the cheque has cleared

21. Accidents

Drivers of any licensed vehicle must report any accident to the Authority within 2 working days of the occurrence.

APPENDIX G
THE TESTING OF APPLICANTS FOR
HACKNEY CARRIAGE AND PRIVATE
HIRE DRIVER'S LICENCE.

APPENDIX G

THE TESTING OF APPLICANTS FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE.

NEW DRIVER TESTS

1. Introduction

In order to maintain the standards that the Authority expects of its drivers, applicants for a hackney carriage or a private hire driver's licence will be required to pass various tests as part of the process of satisfying the Authority that they are suitable persons to hold such a licence. **The tests outlined below are pre-application requirements and are in addition to the Driver Licence applications conditions. These tests will consist of:**

Geography

Applicants will be tested on their knowledge of the Authority's area geography, by recording an appropriate route between locations in the area. Applicants will be asked questions on how to get from one destination to another within the District.

The Hackney Carriage and Private Hire Licensing Law and Authority Rules and Policy

Applicants will be tested on their knowledge and understanding of the law in respect of hackney carriage and private hire licensing. The applicant will be asked questions relating to matters such as legislation, licence conditions and the Authority's Licensing Policy.

Numeracy and Literacy

Applicants will be required to take a basic literacy and numeracy examination unaided. The test will be determined, as appropriate, by officers acting under delegated powers.

Highway Code & A – Z

Applicants will be tested on their knowledge of the Highway Code, on an A-Z and be asked questions.

Safeguarding

Applicants will be tested on their knowledge of Safeguarding.

2. Driver Test Failure

Applicants must score 70% or more in each section of the written tests to achieve a “pass” mark. Applicants who fail will be invited to take a different test on another occasion. An applicant cannot apply for a drivers licence unless or until the applicant has achieved the requisite pass rate in all of the tests.

For the test, the applicant will receive a paper and will be required to sit in a room and will have time in which to answer the questions unaided. Assistance of mobile phones or other electronic devices is not permitted.

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APPENDIX H PRIVATE HIRE OPERATOR'S LICENCE CONDITIONS

APPENDIX H

PRIVATE HIRE OPERATOR'S LICENCE CONDITIONS

1. Operators Base

- a) The operator must operate from the address identified and specified on the operators licence, referred to as the operator's base. This means that the day to day business of the operator must be carried out there including the taking and recording of bookings.
- b) The physical and/or electronic records required to be kept in accordance with this licence must be kept at the operator's base and be available for inspection by the police or an authorised officer on request.
- c) The operator's base must have a unique and dedicated local prefix (01538 or 01782) telephone number/s registered to this address. Free phone numbers, lo-cost, premium and mobile numbers will have to be registered to the operating base. These telephone numbers must be used for bookings.
- d) Existing Operators will be expected to comply with the new licence conditions set out in this policy upon renewal.

2. Details of Vehicles

The operator must keep on paper or electronically at the premises the following details of all vehicles operated by them:-

- a) The name and address of the proprietor;
- b) The vehicle licence holder;
- c) The vehicle licence expiry date;
- d) The registration number;
- e) Make, type and colour;
- f) Plate number;
 - a) Copy of the current Insurance Certificate;
 - b) A copy of the vehicle licence

These details must be kept up to date and must be produced in writing on request to an authorised officer or police constable at the premises.

3. Compliance with Vehicle Licence Conditions

The operator must take all reasonable steps to ensure that the vehicles operated by them conform to the private hire vehicle licence conditions.

4. Details of Drivers

The operator must keep at their premises the following details in writing or electronically of all drivers employed or used by him/her:-

- a) Name and address;
- b) Badge number;
- c) Driving licence number;
- e) Expiry date of the combined driver's licence;
- f) A copy of the combined drivers' licence

These details must be kept up to date and must be produced on request in writing to an authorised officer or police constable at the premises.

5. Control of Drivers

The operator must take all reasonable steps to ensure that drivers of vehicles employed, used or controlled by them observe and perform the conditions attached to their combined driver's licence and all other relevant statutory requirements.

6. Record of Bookings

- a) The operator must, before the commencement of each journey, record in a suitable book (the booking record), with numbered pages and set out in a manner approved by the Authority, as much of the following information as is reasonably practicable but in any event sufficient information to allow an authorised officer to properly investigate any complaint relating to any particular booking or bookings:-
 - The time and date of the booking,
 - The method by which it was received (e.g. telephone, personal call etc.),
 - The picking up and setting down points, by reference to street names,

- The date and time when the journey is to commence,
 - The name (and address) of the hirer,
 - The plate number of the vehicle allocated to the booking,
 - The name and badge number of the driver allocated to the booking,
 - The call sign of the vehicle allocated to the booking,
 - The registration number of the vehicle allocated to the booking;
 - Any fare agreed
- b) The booking record must be kept at the licensed premises for at least six months from the date of the last entry or such longer period as may, by written notice, be required by an authorised officer;
- c) The booking record must be produced immediately on request to an authorised officer or police constable at the premises during times of operation or with notice by the operator presenting them at the Authority's Council offices.

7. Prompt Attendance

The operator must ensure that when a vehicle has been hired to be in attendance at an appointed time and place, the vehicle will, unless delayed or prevented by sufficient cause, punctually attend at the appointed time and place.

8. Fares

Where a request for a hiring is received and the vehicle to be used for that hiring is not fitted with a meter, the operator must so inform the person making the booking and shall not accept the booking without first telling that person the basis of the hire charge and if requested put that information in writing.

9. Lost Property

- a) The Operator must instruct the driver immediately after the termination of any hiring or as soon as practicable thereafter carefully search the vehicle for any property which may have been left in it.

- b) The Operator must ensure any property found by the driver in the vehicle or handed to the driver, if not claimed by or on behalf of the passenger within 24 hours, is passed to the vehicle operator. The local authority must be notified of the situation within 24 hours.
- c) The operator shall keep a written or electronic record of all lost property retained by him/her under (b) above.

10. Radio

The operator must ensure that any radio equipment at the operating base used in connection with their business will:-

- a) Be kept in a safe condition and in proper working order;
- b) Comply with the requirements issued by the Home Office or other government department.
- c) Not interfere with any other radio or telecommunications equipment.

11. Waiting and Reception Room

The operator must ensure that any rooms provided at the operating base for the purpose of booking or waiting will be kept clean, adequately lit, heated and ventilated at all times and be provided with adequate seating for customers and must be smoke free.

12. Drunk and Disorderly Persons

The operator must not allow any person who is drunk, or behaving in a disorderly manner, to remain at the operating base.

13. Change of Address etc.

The operator must notify the Authority in writing at least 7 days before any change in:-

- Home address;
- Premises address;
- The name of the firm;

The operator must notify the Authority in writing within 7 days of any change in:-

- The licensed vehicles used or controlled by him/her;
- The name and address of the drivers in his/her employment or under his/her control.

- Any proposed change of legal entity in advance so that arrangements can be made for a new application if needed.

14. Convictions

The operator must within 2 working days of any conviction, fixed penalty notice, driving licence endorsement, criminal behaviour order, restorative justice order or any other relevant order disclose to the Authority in writing details of any such matter. Where the business is a partnership or limited company, the operator must inform the authority of any partner, director or person with significant control (defined as listed at Companies House) being convicted.

The Operator must report to the Authority driver convictions/penalties when they are made aware of them.

15. Loss of Licence

The operator must report the loss of their licence to the Authority in writing as soon as the loss becomes known.

16. Return of Licence

The operator must immediately return their operator's licence to the Authority in the event of the expiry, surrender, suspension or revocation of the licence.

17. Licence Renewal

The operator must apply to the Authority in writing on the appropriate application form and any accompanying documents at least 15 working days before the expiry of the current licence if he/she requires the licence to be renewed for a further period.

18. Payment by Cheque

A licence in respect of which the fee has been paid either in part or in full by cheque shall be of no effect in the event of the cheque being subsequently dishonoured.

19. Nuisance to Nearby Residents

The operator must at all times carry out their business so as not to cause nuisance or annoyance to nearby residents.

20. Complaints

The operator must immediately upon receipt notify the Authority in writing of any complaints concerning a contract for hire or purported contract for hire relating to or arising from their business and of any action, if any, which the operator has taken or proposes to take in respect of such complaint.

21. Picking up and Setting down of Passengers

The operator must, so far as is possible, ensure that drivers in their employment or control do not pick up or set down passengers:-

- a) At hackney carriage stands;
- b) At any place that may cause a risk of accident or obstruction.

22. Additional requirements for Private Hire Operators

- a) The Operator must keep an up to date record of road tax, MOT and motor insurance expiry dates.
- b) The Operator must keep a record of all defect rectification work, routine servicing and safety inspections (whether undertaken by them or an external garage/maintenance contractor), whether or not they own the vehicle (s) operating under their licence
- c) The Operator should undertake regular (at least three monthly) on line DVLA checks for all drivers working for the operator licence holder to ensure that their driving entitlement is still valid and that there are no penalties or driver convictions that have gone unreported.
- d) The Operator should regularly (at least fortnightly) inspect the daily walk around check records for each vehicle operating under their licence, whether or not they own that vehicle.

DECEMBER 2016

APPENDIX I

RELEVANCE OF CONVICTIONS

APPENDIX I

RELEVANCE OF CONVICTIONS

GENERAL POLICY

1. The Council has adopted the following guidelines relating to the relevance of convictions to which it refers in determining all new/renewal applications for licences, and when considering whether to take any action against an existing licence if there is a conviction during the course of the licence. Licences for private hire operators and drivers of private hire vehicles and hackney carriages may only be granted where the Authority is satisfied that the applicant is safe and suitable to hold a licence and therefore a safe and suitable person (as set out in the legislation) to hold such a licence and licences for vehicles may only be granted if the authority is satisfied that the vehicle is safe and that the proprietor is a safe and suitable person to hold the licence.
2. This document sets out the guidelines which the Authority will consider in respect of judging whether an applicant is “safe and suitable” or whether a vehicle is safe. These guidelines are not an attempt to define what is a “safe and suitable’ person” or what is “safe”. Each case will be decided on its own merits.
3. The guidelines do not deal with every type of offence, and do not prevent the Authority from taking into account any offences not specifically addressed in the guidelines, or any other conduct, which may be relevant to an individual. If an individual has a conviction for an offence not covered by the guidelines regard will be had to the factors at paragraph 6. Further guidance on how convictions are dealt with during the currency of a licence are dealt with below, paragraph 70 onwards. In addition, the Authority is allowed to, and will, take into account situations that have not resulted in a conviction, or where a criminal prosecution is being considered or is pending.
4. Restorative justice is increasingly used by the police as a less formal way of dealing with issues as an alternative to the criminal court system. Never the less The Council will take it into consideration in determining whether an applicant is safe and suitable.
5. In making the judgment if an applicant is safe and suitable the Authority seeks to ensure that the following factors are balanced against the applicant’s desire to work and make a living:
 - i. The applicant does not put the public at risk or pose any threat to any member or any aspect of society, the environment or the nation

- ii. The public are not exposed to persons with a history of dishonest, indecency or violence
 - iii. Vulnerable members of the community are protected
 - iv. Children and young persons are not put at risk
 - v. The public are not exposed to avoidable risks of dishonesty, indecency, verbal abuse, harassment, or violence
6. Where offences committed by the applicant have been disclosed the factors which are taken into consideration for each offence (including motoring offences) include:
- a) The nature of the offence (its seriousness), and the penalty
 - b) Whether or not it is part of a pattern of criminal behaviour
 - c) The 'intent'
 - d) The harm which was, or could have been, caused (to the victim)
 - e) The length of time which has elapsed since the last offence
 - f) The offender's age at the time of the offence
 - g) Any exceptional circumstances which can be supported by evidence
7. Where an individual has been convicted of a criminal offence, the Council cannot review the merits of the conviction [Nottingham City Council v. Mohammed Farooq (1998)].
8. A person with a conviction for a single serious offence or a number of separate offences is not barred from applying for a licence, but would normally be expected to:
- (i) Remain free from conviction for an appropriate period (which will depend on the nature of the offence); and
 - (ii) Show adequate evidence that they are a 'safe and suitable' person in order to be granted or continue to hold a licence (the onus is on the applicant to produce such evidence).
9. Simply remaining free of conviction will not generally be regarded as adequate evidence that a person is 'safe and suitable' and applicants should be in a position to demonstrate that they have brought about changes in their lifestyle or behaviour which will satisfy the Authority that they will not re-offend.

The "conviction free period" will, in all cases be measured from the date on which any sentence was completed, or fine imposed. If a person does not serve their complete term of imprisonment the period will run from the final date on which the full sentence

would have expired. In the case of any other form of order, the period will run from the end of the order. In the case of any fine, conditional discharge or similar sentence, the period will run from the date of conviction. This is referred to below as the date on which the sentence ended.

10. Written testimonials or references from persons of standing in the community may be considered by the Authority. These will carry more weight where they provide evidence to demonstrate why the applicant is being supported and are not simply a statement of 'good character'. Where they are from anyone with a personal relationship with the applicant or from a 'friend' this should be declared. **APPENDIX E**
11. References from current or prospective employers in the private hire or hackney carriage trade will be accepted but like references from persons with a personal relationship with the applicant are unlikely to be considered 'impartial' and so do not carry as much weight as an independent reference of support.
12. Voluntary or community activity which is submitted to demonstrate 'rehabilitation' should be supported by independent evidence showing the time period and level of commitment.
13. Evidence in the form of complaints against a driver or operator in whatever form the complaints are made and subject to the right of the driver to answer the complaints, will be taken into account, including any points accrued under the council's own licensing penalty point scheme. In considering the evidence, the Authority will accept hearsay evidence.

The Authority will also take into account all surrounding factors leading to the complaints.

14. Any individual who is refused a licence or has a licence suspended or to hold such a licence has a right of appeal to the Magistrates' Court (or Crown Court in the case of a refusal to grant a hackney carriage proprietors licence) within 21 days of the notice of refusal.

GUIDELINES RELATING TO THE RELEVANCE OF CONVICTIONS

Some convictions will be of more relevance to some licences than others and are set out below in order of vehicle licences, operator's licences and driver's licences.

VEHICLE LICENCES

15. Convictions which involve the use of motor vehicles for the commission of crime or to facilitate crime will be of great concern to the authority. An example would be previous convictions for drug dealing where access to large numbers of young people late at night could facilitate dealing in drugs, even though the proprietor of the vehicle may not

operate the vehicle or drive it. Convictions falling into one or more of the following categories below will be considered relevant. However, a number of convictions for other crimes would also become relevant, due the clear indication that the applicant or licensee has a general disregard for compliance with the criminal law.

OFFENCES INVOLVING DISHONESTY

16. An applicant with any conviction for dishonesty where less than 5 years has elapsed since the sentence ended is likely to be refused depending on the seriousness and type of the offence committed. Where there is one serious offence, or more than 1 offence involving crimes of dishonesty, the period may be significantly extended. Offences falling into this category and which are likely to be relevant to consideration of a vehicle licence include:
- Theft
 - Burglary
 - Handling or receiving stolen goods
 - Obtaining money or property by deception
 - Other deception

DRUGS

17. An application will normally be refused where the applicant has any conviction for any offence relating to the supply of drugs until a conviction free period of at least ten years has elapsed since the sentence ended.
18. After ten years, consideration will be given to the circumstances of the offence and evidence demonstrating that it is now safe to grant the proprietor of a vehicle a licence. In the case of serious or multiple offences, a much longer period of rehabilitation is likely to be required and, even then, evidence that there has been a change in the behaviour of the applicant will be required before an application will be successful. Just the lapse of time is unlikely to be enough.

SEXUAL AND INDECENCY OFFENCES

19. Where an applicant has been convicted of a sexual offence involving a child or young person they should expect the application to be refused.
- 20 Applicants with convictions relating to sexual offences such as soliciting procuring or importuning will normally be refused a licence until at least ten years has elapsed since sentence for the last conviction ended.
- 21 After ten years, consideration will be given to the circumstances of the offence and evidence demonstrating that the vehicle would be safe to be licenced. In the case of

multiple offences, a much longer period of rehabilitation will be required and, even then, evidence that there has been a change in the behaviour of the applicant will be required before an application will be successful. Just the lapse of time is unlikely to be enough.

OFFENCES AND BREACHES OF CONDITION INVOLVING PRIVATE HIRE VEHICLES & HACKNEY CARRIAGES

22. Offences under Part II of the Local Government (Miscellaneous Provisions) Act 1976, the Town Police Clauses Acts, Hackney Carriage Byelaws or Section 167 Criminal Justice and Public Order Act 1994 - touting

The principal purpose of the licensing regime set out in the above legislation is to ensure the protection of the public. Breaches of any of this legislation are considered to be a serious matter. Where there are convictions for offences under these Acts this is likely to lead to an application being refused or, where a licence is held, to it being suspended or revoked or not renewed.

VEHICLE OPERATORS LICENCES

23. Convictions which involve the use of motor vehicles for the commission of crime or to facilitate crime will be of great concern to the authority. An example would be previous convictions for drug dealing where access to large numbers of young people late at night could facilitate dealing in drugs, even though the operator may not drive the vehicle. Operators are also in a position of trust; they may know when properties are vulnerable to crime such as theft or arrange the carriage of packages worth a great deal of money. Convictions falling into one or more of the following categories below will be considered relevant.

OFFENCES INVOLVING DISHONESTY

24. An applicant with any conviction for dishonesty where less than 5 years has elapsed since the sentence ended is likely to be refused depending on the seriousness of the offence committed. Where there is one serious offence, or more than 1 offence involving crimes of dishonesty, the period may be significantly exceeded. Offences falling into this category include:
- Theft
 - Burglary
 - Fraud
 - Handling or receiving stolen goods
 - Conspiracy to defraud
 - Obtaining money or property by deception
 - Other deception

DRUGS

Supply of drugs

25. An application will normally be refused where the applicant has any conviction for any offence relating to the supply of drugs until a conviction free period of at least ten years has elapsed since the sentence ended.
26. After ten years, consideration will be given to the circumstances of the offence and evidence demonstrating that the applicant may now be a 'safe and suitable person' to hold a licence. In the case of serious or multiple offences, a much longer period of rehabilitation is likely to be required and, even then, evidence that there has been a change in the behaviour of the applicant will be required before an application will be successful. Just the lapse of time is unlikely to be enough.

SEXUAL AND INDECENCY OFFENCES

27. Any applicant currently on the sex offenders' register or with a conviction for a sexual offence involving a child or young person should expect an application to be refused.
28. Applicants with a conviction for rape, indecent assault, or other similar offences under the Sexual Offences Act 2003, will normally be refused a licence.
29. Applicants with convictions relating to sexual offences such as soliciting, procuring or importuning will normally be refused a licence until at least ten years has elapsed since the sentence for the last conviction ended.
30. After ten years, consideration will be given to the circumstances of the offence and evidence demonstrating that the applicant may now be a 'safe and suitable person' to hold a licence. In the case of multiple offences, a much longer period of rehabilitation will be required and, even then, evidence that there has been a change in the behaviour of the applicant will be required before an application will be successful. Just the lapse of time is unlikely to be enough.

OFFENCES AND BREACHES OF CONDITION INVOLVING PRIVATE HIRE VEHICLES & HACKNEY CARRIAGES

31. Offences under Part II of the Local Government (Miscellaneous Provisions) Act 1976, the Town Police Clauses Acts, Hackney Carriage Byelaws or Section 167 Criminal Justice and Public Order Act 1994 - touting
32. The principal purpose of the licensing regime set out in the above legislation is to ensure the protection of the public. Breaches of any of this legislation are considered to be a serious matter and convictions for offences under these Acts are likely to lead to

an application being refused or, where a licence is held, to it being suspended or revoked or not renewed.

33. An applicant will normally be refused a licence if there has been conviction for an offence under any of the Acts until 2 years has passed since the sentence ended, or where there is more than one conviction, until 5 years has passed since the sentence ended.

VEHICLE DRIVER LICENCES

34. Drivers are the front line of the licensed vehicle business. Convictions falling into most categories will be relevant.

OFFENCES INVOLVING DISHONESTY

35. An applicant with any conviction for dishonesty where less than 5 years has elapsed since the sentence ended is likely to be refused depending on the seriousness of the offence committed. Where there is one serious offence, or more than 1 offence involving crimes of dishonesty, the period may be significantly extended. Offences falling into this category include:

- Theft
- Burglary
- Fraud
- Benefit fraud (including offences under ss.111A and 112 of the Social Security Administration Act 1992)
- Handling or receiving stolen goods
- Forgery (e.g. producing false insurance policy)
- Conspiracy to defraud
- Obtaining money or property by deception
- Other deception

VIOLENCE

36. Convictions involving the loss of life are likely to result in the refusal of an application.
37. Applicants with one or more convictions for serious violence or a series of convictions for lesser offences and/or racially aggravated offences should expect the application to be refused until a period of at least ten years has elapsed since the sentence ended.
38. Applicants with one conviction for a lesser offence of violence should expect the application to be refused until a period of at least five years has elapsed since the sentence ended.

Examples of lesser offences are:-

- Common assault
- Affray
- Harassment, alarm or distress (S5 Public Order Act 1986 offence)
- Fear of provocation of violence (s.4 Public Order Act 1986 offence)
- Obstruction
- Minor Criminal damage

OFFENCES OF VIOLENCE AGAINST CHILDREN AND YOUNG PEOPLE

39. Drivers of private hire and hackney carriage vehicle are often entrusted with the transportation of children and young persons.
40. A very serious view will be taken where an applicant has been convicted of any offence of violence involving a child (under 14 years of age) or a young person (aged 14 to 17 years) as they are particularly vulnerable whilst in the care of the driver. Accordingly, the Authority will expect to see a substantial period free from conviction, at least 20 years and an applicant will be required to provide substantial evidence of rehabilitation before the Authority will be satisfied that the applicant passes the 'safe and suitable' test.

RACIALLY AGGRAVATED OFFENCES

41. Drivers are expected to treat all people with respect and as equals. An application will normally be refused where the applicant has any conviction relating to a racially aggravated offence until a conviction free period of at least ten years has elapsed

DRUGS

42. An application will normally be refused where the applicant has any conviction for any offence relating to the supply of drugs until a conviction free period of at least ten years has elapsed since the sentence ended.
43. After ten years, consideration will be given to the circumstances of the offence and evidence demonstrating that the applicant may now be a 'safe and suitable person' to hold a licence. In the case of serious or multiple offences, a much longer period of rehabilitation is likely to be required and, even then, evidence that there has been a change in the behaviour of the applicant will be required before an application will be successful. Just the lapse of time is unlikely to be enough.
44. An application will normally be refused where the applicant has more than one conviction for offences relating to the possession of drugs until a conviction free period of at least five years has elapsed since the sentence ended.

45. An application from an applicant who has a single conviction for an offence relating to the possession of drugs will normally be refused until a conviction free period of at least three years has elapsed since the sentence ended. Where the conviction occurred between three & five years before the date of the application, the applicant will be required to provide evidence to demonstrate rehabilitation. After five years free of conviction has elapsed since the sentence ended an application is likely to be successful.
46. If any applicant has been classified as an 'addict' they will be required to show evidence of at least ten years free from drug taking following rehabilitation/detoxification treatment supported by their doctor.

SEXUAL AND INDECENCY OFFENCES

47. Any applicant currently on the sex offenders' register or with a conviction for a sexual offence involving a child or young person should expect an application to be refused.
48. Applicants with a conviction for rape, indecent assault, or other similar offences under the Sexual Offences Act 2003, will normally be refused a licence.
49. Applicants with a conviction relating to sexual offences such as soliciting, importuning, indecent exposure or other similar offences or similar offences under the Sexual Offences Act 2003, will normally be refused a licence until at least ten years has elapsed since the sentence for the last conviction ended.
50. After ten years, consideration will be given to the circumstances of the offence and evidence demonstrating that the applicant may now be a 'safe and suitable person' to hold a licence. In the case of multiple offences, a much longer period of rehabilitation will be required and, even then, evidence that there has been a change in the behaviour of the applicant will be required before an application will be successful. Just the lapse of time is unlikely to be enough.

DRUNKENNESS

51. **With a motor vehicle (no disqualification)** - An application will normally be refused where the applicant has a conviction, which has not resulted in disqualification by the courts, for an conviction where the sentence has ended within 3 years of the date of the application. Where there is more than one conviction for this type of offence within the last five years, the application is unlikely to be successful
52. **With a motor vehicle (disqualification)** - Where a disqualification has occurred as a result of a drink-driving conviction, at least ten years free from conviction since the sentence ended should normally elapse before an applicant is considered for a licence.

Where there is more than one conviction for this type of offence within the last fifteen years, the application is unlikely to be successful

53. **Not in a motor vehicle** - An application will normally be refused where the applicant has any conviction for any offence relating to drunkenness until a conviction free period of at least three years has elapsed since the sentence ended. More than one conviction associated with drunkenness could indicate a behavioural problem or 'dependency' necessitating critical examination and refusal of a licence.
54. **Dependency & Alcoholism** – Where there is any possibility of dependency or alcoholism a medical report from the applicant's Doctor will be required and an applicant will normally be required to show a period of at least 10 years has elapsed after completion of rehabilitation/detoxification treatment where they were alcoholic.

OFFENCES AND BREACHES OF CONDITION INVOLVING PRIVATE HIRE VEHICLES & HACKNEY CARRIAGES

(Offences under Part II of the Local Government (Miscellaneous Provisions) Act 1976, the Town Police Clauses Acts, Hackney Carriage Byelaws or Section 167 Criminal Justice and Public Order Act 1994 - touting)

55. The principal purpose of the licensing regime set out in the above legislation is to ensure the protection of the public.
56. Breaches of any of this legislation are considered to be a serious matter and convictions for offences under these Acts (including illegally plying for hire and/or touting) are likely to lead to an application being refused or, where a licence is held, to it being suspended or revoked or not renewed.
57. An applicant will normally be refused a licence if there has been conviction for an offence under any of the Acts until 2 years has passed since the sentence ended or where there is more than one conviction, until 5 years has passed since the sentence ended .

TRAFFIC OFFENCES

For the purpose of these guidelines formal cautions and endorsable fixed penalties shall be treated as though they were convictions.

SERIOUS TRAFFIC OFFENCES

Any of the offences listed in the Table A, or any offence listed in Table B which resulted in a licence being endorsed with four or more penalty points is deemed to be a Serious Traffic Offence

- 58. An application will normally be refused where an applicant has been convicted of a serious traffic offence until 3 years has passed since the sentence ended.
- 59. Where an applicant has more than one conviction for a serious traffic offence in the 5 years prior to the date of application, it will normally be refused.
- 60. If any conviction for a serious traffic offence has resulted in a disqualification by the courts, applicants should refer to the “disqualification” section below.

TABLE A

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
CD40	Causing death through careless driving when unfit through drink
CD50	Causing death through careless driving when unfit through drugs
CD60	Causing death through careless driving with alcohol level above the limit
CD70	Causing death through careless driving then failing to supply a specimen for alcohol analysis
CD71	Causing death through careless driving the failing to supply a specimen for drug analysis
DD40	Dangerous driving
DD60	Manslaughter or culpable homicide while driving a vehicle
DD80	Causing death by dangerous driving
DR10	Driving or attempting to drive with alcohol level above limit
DR20	Driving or attempting to drive while unfit through drink
DR30	Driving or attempting to drive then failing to supply a specimen for analysis
DR31	Driving or attempting to drive when unfit through drugs

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 specimen for analysis in circumstances other than driving / attempting to drive
DR61	Failure to provide specimen for drug analysis in circumstances other than driving / 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
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
MS60	Offences not covered by other codes
MS90	Failure to give information as to identity of driver, etc.
UT50	Aggravated taking of a vehicle

INTERMEDIATE TRAFFIC OFFENCES

61. Any of the offences listed in the Table B, or any offence listed in Table C which resulted in a licence being endorsed with four or more penalty points is deemed to be an Intermediate Traffic Offence. An offence listed in Table B which resulted in a licence being endorsed with four or more penalty points is deemed to be a Serious Traffic Offence.

One Conviction

62. Where an applicant has a single Intermediate Traffic Offence within the 12 months immediately preceding the date of application, they will be expected to show a period of at least 6 months free from conviction since the sentence ended before an application is considered.

Two or more Convictions

- 63. Where an applicant has two or more convictions for Intermediate Traffic Offences they will be expected to show a period of at least 12 months free from conviction since the sentence ended, before an application is considered.
- 64. If any conviction for an intermediate traffic offence has resulted in a disqualification by the courts, applicants should refer to the “disqualification” section below.

TABLE B

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 tyres
CU40	Using a vehicle with defective steering
CU50	Causing or likely to cause danger by reason of load or passengers
CU80	Breach of requirements as to control of the vehicle (mobile phones etc.)
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 of other road users
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	Exceeding speed limit offence

Minor Traffic Offences

- 65. Any offence in Table C which has attracted 4 or more penalty points will be treated as though it were an Intermediate Traffic Offence

Single conviction

66. Where an applicant has a single Minor Traffic Offence in the 12 months immediately preceding the date of application, the application will normally be granted subject to a warning as to future conduct.

Two or more Convictions

67. Where an applicant has two or more convictions for Minor Traffic Offences in the 12 months immediately preceding the date of application an applicant will normally be expected to show a period of at least six months free from conviction since the sentence ended before an application is considered.

TABLE C

MS10	Leaving a vehicle in a dangerous position
MS20	Unlawful pillion riding
MS30	Play street offences
MS70	Driving with uncorrected defective eyesight
MS80	Refusing to submit to an eyesight test
MW10	Contravention of Special Road Regulations (excluding speed limits)
PC10	Undefined contravention of Pedestrian Crossing Regulations
PC20	Contravention of Pedestrian Crossing Regulations with moving vehicle
PC30	Contravention of Pedestrian Crossing Regulations with stationary vehicle
TS10	Failing to comply with traffic light signals
TS20	Failing to comply with double white lines
TS30	Failing to comply with a “Stop” sign
TS40	Failing to comply with direction of a constable or traffic warden
TS50	Failing to comply with traffic sign (excluding “Stop” sign, traffic lights or double white lines)
TS60	Failing to comply with school crossing patrol sign
TS70	Undefined failure to comply with a traffic direction sign

68. For all traffic offences convictions for aiding, abetting, counselling, procuring, causing, permitting or inciting the offence will be treated as though the offender had committed the primary offence:-

Aide, abet, counsel or procure

Offences as coded above, but with 0 changed to 2 (e.g. IN10 becomes IN12)

Cause or permit

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

Incite

Offences as coded above, but with 0 changed to 6 (e.g. PC10 becomes PC16)

Note: Where new offences are created or existing offences are consolidated or re-enacted etc. they will be treated in a manner appropriate to their severity whether or not this guidance has been updated to reflect the changes.

Totting Up

TT99 'totting up' – if the total number of penalty points reaches 12 or more within a 3 year period the driver is liable to disqualification by the Court.

Totting up With Disqualification

An application will be refused unless a period free from conviction has elapsed from the restoration of the DVLA licence, which is equal to the period of disqualification imposed by the court.

Where any of the offences which contribute to a 'totting up' disqualification are included in the list of Serious Traffic Offence in Table A above, the Authority will consider the application under the "Disqualification" criteria for serious traffic offences.

Totting up without Disqualification

An application from any person who has accrued sufficient points under the 'totting up' procedure to be disqualified but, where the court has accepted a plea of 'exceptional hardship' and has not imposed a disqualification will be considered by the Authority as though a disqualification for the most serious of the offences which contributed to the 'totting up', had been imposed, for the purposes of determining when a licence application should be considered. (E.g. where the offences contributing to the totting up are SP30, SP80 and IN10 the Authority would consider IN10 under 'Disqualification – Serious Traffic Offence' above).

MULTIPLE CONVICTIONS FROM SINGLE INCIDENT

69. Where an applicant has multiple convictions arising from a single incident, the convictions will generally be treated as one conviction for the purposes of these guidelines. In these circumstances the period for which the applicant would normally be expected to show free from conviction will be that which applies to the most serious offence in the group.

POLICY GUIDELINES FOR DEALING WITH OFFENCES COMMITTED DURING THE TERM OF A LICENCE

GENERAL

70. The holder of any licence granted by the Authority must report all criminal convictions, driving convictions, cautions, and orders for restorative justice or acceptance of fixed penalty notices to the Authority within two working days.”

MATTERS NORMALLY TO BE DEALT WITH BY AUTHORISED OFFICERS

71. An authorised officer of the Authority may choose as appropriate and following the guidelines on convictions above to take no action, issue penalty points, prosecute or refer to the Licensing Sub-Committee.

CONVICTIONS FOR MINOR TRAFFIC OFFENCES

72. In the case of a single conviction penalty points will be added and future driving standards will normally be monitored, however if more than one offence is committed the matter may be referred to the Licensing Sub-Committee.

INTERMEDIATE TRAFFIC OFFENCES

73. Any of the offences listed in the Table B, or any offence listed in Table C above which resulted in a licence being endorsed with four or more penalty points is deemed to be an Intermediate Traffic Offence. An offence listed in Table B (Appendix F) which resulted in a licence being endorsed with four or more penalty points is deemed to be a Serious Traffic Offence, in these cases the matter will be referred to the Licensing Sub-Committee.

DISQUALIFICATION FROM DRIVING

74. If the driver ceases to have a valid DVLA driving licence, his combined hackney carriage and private hire driver’s licence will be revoked.

FAILURE TO REPORT A CONVICTION OR ACCIDENT

75. The failure to report any accident, conviction, caution, an order for restorative justice or fixed penalty notice within 2 working days is a breach of the Code of Conduct which will aggravate the matter that has not been reported and will be taken into account by the licensing officer when determining whether to refer it to the Licensing Sub-Committee. It may also result in points being awarded against the licensee in accord with the Authorities penalty points system.

DEFECTIVE VEHICLES

76. Where a defect is identified on a licensed vehicle that could affect safety or suitability to carry passengers, authorised officers of the Authority may issue a suspension notice with immediate effect. This will stop the vehicle being used as a hackney carriage or private hire vehicle, as appropriate, until the defect is remedied and evidence has been submitted to the Authority to ensure the vehicle is safe to carry passengers in comfort. It may also result in points being awarded against the licensee in accord with the Authorities penalty points system and could lead to referral to the Sub-Committee.

REFUSAL TO CARRY A PASSENGER IN A HACKNEY CARRIAGE

77. If the Authority receives a complaint that a driver of a Hackney Carriage has refused to carry a passenger when available for hire the driver will be invited to state the reasons for his actions. If an officer is satisfied that the driver had a justifiable reason, then no action will be taken. If there appears to be no acceptable justification for the refusal, then it will result in points being awarded against the licensee in accord with the Authorities penalty points system. Subsequent offences would, however, result in immediate referral to the Licensing Sub-Committee.

OTHER BREACHES OF LICENSING CONDITIONS

78. Depending on the circumstance this will normally result in, at least, the issue of a penalty points being awarded against the licensee in accord with the Authorities penalty points system. Serious or subsequent contraventions or 'totting up' with penalty points to more than 12 points will result in referral to the Licensing Sub-Committee.

MATTERS TO BE DEALT WITH BY THE LICENSING SUB-COMMITTEE

79. Any offence which, in the opinion of a Licensing Officer falls outside their delegation will be referred to the Sub-Committee. Such cases, which will include very serious offences and may include those where conditions or the code of conduct has been persistently breached and where penalty points have not been heeded, will be decided on the facts of the case. Any action taken must be proportionate to the seriousness of the offence and the overriding requirement to ensure public safety.
80. The Licensing Sub-Committee will decide the most appropriate course of action based on the facts of each particular case. The primary function of the Authority is public protection.
81. The Sub-Committee will apply the guidance set out in this **Appendix K** in considering whether a licence should be revoked or suspended or whether Penalty Points should be given

IMMEDIATE SUSPENSION OR REVOCATION OF LICENCES

82. If it appears that it is in the interests of public safety the Authority may require the revocation of a combined driving licence to have effect immediately. In this situation the licensee will be given notice that such a decision is being considered, and invited to make representations, even though there may not be a formal sub-committee hearing. If it is decided to revoke the licence then notice will be given to the licensee explaining why. There is a right of appeal to the magistrates' court, but the licensee may not drive until the appeal is heard.

DECEMBER 2016

APPENDIX J ENFORCEMENT POLICY AND PENALTY POINTS SCHEME

APPENDIX J

ENFORCEMENT POLICY AND PENALTY POINTS SCHEME

This Appendix is to be read in conjunction with any corporate enforcement policy of the Authority.

1 ENFORCEMENT POLICY STATEMENT

It is the policy of the Authority to ensure that drivers and operators are licensed correctly and carry out their trade in accordance with the relevant legislation and the conditions attached to the licences.

All enforcement action will be proportionate to the seriousness of the breach and the possible consequences arising out of it.

Specific advice on the issue of licences and enforcement actions is contained elsewhere in this Policy which sets out the general principles to be followed in taking enforcement decisions.

Achieving and maintaining a consistency of approach to making all enforcement decisions is vital. Authorised officers, when making such decisions, will abide by this policy and any applicable corporate enforcement policies. Any departure from the policy will be fully considered and endorsed by an officer acting under delegated powers (unless it is considered that there is significant risk to the public in delaying the decision).

Authorised officers and Members must be fully acquainted with the requirements of the policy and appropriate training will be provided where required.

Officers will be authorised by the Authority's Constitution to take enforcement action.

2 ENFORCEMENT OPTIONS

Licence application and enforcement decision must always be consistent, balanced, fair and relate to common standards which ensure that the public is adequately protected. In reaching any decision the following must be considered:

- the promotion of public safety
- seriousness of any offences;
- driver or operator's past history;
- consequence of non-compliance;
- likely effectiveness of the various enforcement options;
- blatant disregard of law or Authority's instruction
- any other relevant factors.

Having considered all relevant information and evidence, the options available to the Authority are:

Licence Applications and Renewals

- grant/renew the licence subject to the Authority's current standard conditions for the licence applied for;
- refer the application for consideration by the Authority's Licensing Sub-Committee.

Enforcement Action

- take no action;
- informal action
- Penalty Points;
- use statutory notices (suspension notices etc.)
- suspend a licence;
- revoke a licence;
- use simple cautions;
- prosecute.

This policy document provides detailed guidance applicable to the various options for enforcement action.

3 INFORMAL ACTION

Informal enforcement action may be appropriate where:

- the act or omission is not serious enough to warrant more formal action;
- it can be reasonably expected that informal action will achieve compliance; or
- confidence in the operator's management is high;

Even where some of the above criteria are not met, there may be circumstances in which informal action will be more appropriate than a formal approach. Records of any informal enforcement action taken may be taken into account if relevant if further acts or omissions warrant action to be taken.

4 APPEARANCE BEFORE THE LICENSING SUB-COMMITTEE

An individual or company may be invited before the Licensing Sub-Committee to answer allegations of breaches of relevant legislation or conditions attached to licences.

The criteria for bringing applicants for licences, and existing licence-holders, before the Sub-Committee are set out elsewhere in this Policy.

The Sub-Committee may decide to take one or more of the following measures where relevant to the licence in question:

- no action;
- application of penalty points
- require the licence holder to retake one, some or all of the required tests
- present the vehicle for testing;
- require the production of driving licences or other specified documentation to the Licensing Team;
- propose further conditions on the licence
- suspend a licence;
- revoke a licence;
- recommend prosecution action.

This list is not exhaustive.

5 SUSPENSION NOTICES

An authorised officer may serve notice in writing for a hackney carriage or private hire vehicle or the fares meter affixed to such vehicle. This notice will only be served having had due regard to the condition of the vehicle or with reasonable grounds to suspect the accuracy of the fares meter.

An authorised officer may inspect a vehicle and, in addition to requiring the vehicle to be tested, suspend the vehicle licence until such time as he/she is satisfied with the condition of the hackney carriage or private hire vehicle. This action will only be taken when he/she has reasonable grounds to suspect that the condition of the vehicle is in the reasonable opinion of the authorised officer likely to be an immediate danger to passenger and/or other road users.

6 APPEALS

Appeals against decisions of the Licensing Sub-Committee may be made to the Magistrates' Court, with the exception of decisions to refuse to grant a hackney carriage vehicle licence which is made to the Crown Court.

Any notifications of enforcement actions will include written information on how to appeal. This will explain how, where and within what period an appeal may be brought and on what grounds and may confirm that the enforcement action is suspended pending the outcome of the appeal.

7 PROSECUTION

The decision to prosecute is a very significant one. Prosecution will, in general, be restricted to those circumstances. It is important that the decisions to prosecute are made using consistent reasons.

Each case will be considered on its merits, but the circumstances which are likely to warrant prosecution may be characterised by one or more of the following:

- where there is a blatant disregard for the law, particularly where the economic advantages of breaking the law are substantial and the law-abiding are placed at a disadvantage to those who disregard it;
- when there appears to have been reckless disregard for the safety of passengers, other road users or pedestrians;
- where there have been repeated breaches of legal requirements or conditions;
- where a particular type of offence is prevalent;
- where a particular contravention has caused serious public alarm.

When circumstances have been identified which may warrant a prosecution, all relevant evidence and information must be considered, to enable a consistent, fair and objective decision to be made.

Before deciding whether to bring a prosecution, the Solicitor to the Authority must be satisfied that there is relevant, admissible, substantial and reliable evidence that an offence has been committed by identifiable person(s) or company. There must be a realistic prospect of conviction.

In addition to being satisfied that there is sufficient evidence to provide a realistic prospect of conviction, there must be a positive decision, based on the relevant criteria that it is in the public interest to prosecute.

The Code for Crown Prosecutors, issued by the Crown Prosecution Service, provides guidance which will be considered when assessing both evidence and the public interest.

8 SIMPLE CAUTIONS

A simple caution (previously known as a formal caution) may be used as an alternative to a prosecution in certain circumstances.

Simple cautions are a non-statutory disposal and the Authority may exercise discretion in deciding to use them. Decisions to issue a caution will depend whether it is appropriate to the offence and the offender and whether it is likely to be effective in the circumstances.

When considering the issuing of a caution officers will have regard to guidance in Home Office in Home Office publication “*Simple Cautions for Adult Offenders*” published April 2015 or any replacement Guidance. .

The following conditions should be fulfilled before a caution is administered:

- There must be sufficient evidence of the suspected offender’s guilt to give a realistic prospect of conviction if a prosecution was brought.
- The suspected offender must have made a clear and reliable admission of the offence.
- It must be in the public interest to use a simple caution as the appropriate means of disposal:-

Where a person declines the offer of a simple caution, it will be necessary to consider taking alternative enforcement action such as prosecution.

A caution may be used as evidence in future prosecutions.

9 TRANSPARENCY

Following the completion of an investigation into a complaint or any enforcement activity, notification of a conviction or an adverse vehicle inspection, the licence holder will be informed of the action intended to be taken as soon as possible.

Any written documentation issued or sent will -

- contain all the information necessary to understand what action the Authority intends to take. Where works are required by the licensee, the period allowed for them to be completed will be indicated; and/or
- indicate the legislation or conditions contravened and measures which will enable compliance with the legal requirements and point out, where appropriate, that other means of achieving the same effect may be chosen; and/or
- clearly indicate any recommendations of good practice under an appropriate heading, to show that they are not a legal requirement.

10 PENALTY POINTS SCHEME

The Scheme

Introduction

Hackney carriage and private hire operators, drivers and vehicles are principally governed by the Local government (Miscellaneous Provisions) Act 1976, Town Police Clauses Act 1847, Authority’s Byelaws, the Drivers’ Code of Conduct and the Rules, Regulations and Conditions set by the Licensing Committee.

Should operators, drivers or proprietors of vehicles commit an offence or breach of those rules, regulations or conditions of licence, notices will be given detailing the offence/breaches and the number of points allocated.

The aim of a penalty points scheme is to work in conjunction with other enforcement options. It provides a formalised, stepped enforcement plan. The purpose of the scheme is to record misdemeanours and to act as a record of driver's behaviour and conduct, so as to ascertain whether they are a safe and suitable person. It does not prejudice the Authority's ability to take other actions.

The primary objective of the penalty points scheme is to improve the levels of compliance and help improve the standards, safety and protection of the travelling public

Penalty points remain for a rolling twelve month period so as to allow any older points to be considered as spent and therefore excluded from the running total recorded against any individual licence holder. However, spent points may still be considered if a pattern of misdemeanours emerge i.e. regularly being late for renewals and submission of compliance tests.

Issue of Penalty Points

Complaints concerning significant breaches of conduct, conditions of licence or policy will be subject to investigation by Licensing officers and may be reported to the Licensing Sub Committee for the issue of discretionary points.

Where a licence holder accumulates 12 or more penalty points in any 12 month period, the matter will be referred to the Licensing Sub Committee for the Committee to decide whether the driver remains a 'safe and suitable' person. The Committee may then suspend or revoke a licence. Periods of suspension of a licence by the Committee will depend on the nature of the breaches of the legislation/conditions and the compliance history of the individual.

Points issued to the proprietor of a vehicle, a private hire operator or a driver will be confirmed in writing within 10 working days from the discovery of the contravention.

The system will operate without prejudice to the Authority's ability to take other action that it is entitled to take under legislation, byelaws and regulations.










A licence holder issued with penalty points may appeal against such a decision to a licensing officer in the first instances. If a satisfactory resolution cannot be found, then the appeal will be referred to a manager from an independent business area for a decision. If the allocated points total 9 or more and the recipient still does not agree with the licensing officer or the independent business manager, the appeal will be heard

by the Licensing Sub Committee. Appeals must be lodged within 7 days of the receipt of the notice. On an appeal, the officer or sub-committee hearing the appeal can:























- Cancel the award of penalty points;
- Uphold the award of penalty points; or
- Increase the award of penalty points.

In addition, the sub-committee can also suspend or revoke the licence.

If a decision is made to issue points to a proprietor/driver rather than prosecute, for a matter which is also a criminal offence e.g. bald tyres; no badge etc., those person (s) will not then be the subject of a prosecution by the Authority in respect of the same matter for which the points were issued.

Penalty Number	Point	Offence/Breach of Condition	Maximum Points Awarded by Authorised Officers	Driver	Vehicle Proprietor 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 Authority of change of address within 7 calendar days.	3		
3		Refusal to accept hiring without reasonable cause e.g. drunk or rude customer	6		
4		Unreasonable prolongation of journeys or any misconduct regarding the charging of fares	6		
5		Plying for hire by private hire drivers	12		
6		Using a mobile phone whilst driving as witnessed by a police officer or an officer of the authority.	12		




















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7	Using unlicensed vehicle for carrying passengers for hire or reward or vehicle without insurance	12		
8	Failure to produce relevant documents within timescale, when requested by a Licensing Officer/Police Officer	4		
9	Failure to maintain vehicle in a satisfactory condition – including interior or exterior	4		
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	6		
12	Using a vehicle whilst subject to a suspension order issued by a Licensing Officer/Police Officer	12		
13	Using a vehicle for which the licensee has been revoked	12		
14	Failure to report, in writing, within 72 hours' accident or damage to licensed vehicle, which would cause the vehicle to breach licence condition	4		
15	Carrying more passengers than stated on the vehicle licence	6		
16	Failure to display external/internal licence plate as required	4		
17	Carrying an offensive weapon in the vehicle	12		
18	Failure to comply with a requirement, provide information or assistance to a Licensing Officer/Police	6		








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	Officer			
19	Using a non-approved or non-calibrated taximeter	6		
20	Obstruction of Licensing Officer/Police Officer wishing to examine a licensed vehicle	12		
21	Evidence of smoking in vehicle the use of e-cigarette or vaping devices. (Fixed Penalty Notices will be issued for smoking and or littering in addition to the penalty points)	3		
22	Evidence of food or drink in vehicle *see below	3		
23	Displaying any feature on a private hire vehicle that may suggest that it is a taxi	6		
24	Using a vehicle, the appearance of which suggests that it is a taxi	12		
25	Failure to carry an assistance dog without prior written consent from the Authority for medical reasons	12		
26	Driver not holding a current DVLA Driving licence	12		
27	Failure to wear or display a driver's badge in the vehicle	4		
28	Failure to notify, in writing a change in medical circumstances	6		
29	Unsatisfactory appearance of driver	3		
30	Failure to observe rank discipline (hackney carriage only)	6		
31	Failure to keep or produce records of private hire bookings or other documents required to be kept or produced	6		

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32	Misleading use of the words 'Taxi' or 'Cab' on advertising materials	3		
33	Failure to issue receipt on request	3		
34	Failure to return vehicle licence plate within 7 days after due notice following expiry, revocation or suspension of such licence	4		
35	Unsatisfactory behaviour or conduct of driver	4		
36	Failure to notify the Authority, in writing, of any motoring or criminal convictions within 2 days of said conviction or cautions during period of current licence	6		
37	Failure to behave in a civil and orderly manner	4		
38	Failure to give assistance with loading/unloading luggage to or from any building or place	3		
39	Failure to display table of fares	4		
40	Failure to carry legal spare wheel or Authorised suitable alternative and tools	4		
41	Failure to attend punctually at appointed time and place without sufficient cause	4		
42	Using a licensed vehicle with worn tyre(s) below the legal limit of 1.6mm	12 per tyre		
43	Failure to submit Certificate of compliance to the Authority within 2 working days of the expiry of the certificate following the intermediate 6 monthly inspection	4		
44	Failure to display a current licence plate	4		

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45	Waiting or stopping in any area where parking is prohibited unless requested by a paying customer present in the vehicle	3		
46	Failure to comply with any other licence condition not detailed in the table ** see below	3		
47	Failure to renew driver, vehicle or operator licence before expiry	4		
48	Leaving a taxi unattended without due consideration on a taxi rank	4		

*Drivers shall not leave evidence of food or drink in their vehicle whilst working

**Further conditions may be added as the policy is reviewed. Not all offences are listed.

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.

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APPENDIX K LICENSING SUB-COMMITTEE HEARINGS

APPENDIX K

LICENSING SUB-COMMITTEE HEARINGS

1 INTRODUCTION

Meetings of the Licensing Sub-Committee may consider appropriate disciplinary measures involving proprietors, operators and drivers where such matters are referred for their consideration. The purpose of such meetings shall be for the Sub-Committee to consider which, if any, of the options available should be implemented and to satisfy themselves that the person remains safe and suitable to hold the relevant licence.

2 OPTIONS AVAILABLE

The Licensing Sub-Committee will hear the details of the case outlined by officers and the licence holder will be given the opportunity to address the Members in accordance with the procedure set out in the officer's report which will be sent to the person attending the meeting in advance. After hearing the evidence and any representations the Sub-Committee may resolve to:

- suspend the licence;
- revoke the licence;
- refuse to renew a licence;
- impose additional licence conditions;
- issue penalty points
- take no further action.

The Sub-Committee may also recommend the cautioning or prosecution of licence holders, in circumstances where there are persistent or serious breaches of conditions, which have not been dealt with otherwise.

4 REPRESENTATION

A driver may be represented at any meeting of the Authority's Licensing Sub-Committee, either legally or otherwise, and will be entitled to put forward such reasonable and relevant evidence as he/she deems necessary.

5 PROCEDURE

The Sub-committee will follow the procedure below (or such procedures as may be adopted by the Authority from time to time) unless circumstances warrant a departure from it with the agreement of all parties present.

Staffordshire Moorlands District Council Licensing Sub Committee

Rules of Procedure

The following order of proceedings will apply at the hearing:-

1. The Chairman will lead the hearing procedure. The Chairman will introduce the Sub-committee members and ask parties to introduce themselves. S/he will explain that this is the procedure the Sub-Committee will be following and check that all parties have a copy of the papers.
2. Members of the Sub-Committee will indicate if they have any interests to declare in accordance with the Localism Act 2011
3. The Licensing Officer/Manager will inform members of any new matters, if any, arising since the report was finalised.
4. The applicant/licensee may then ask the Officer questions relating to the report or new matters arising, followed by the Objector(s) and then Sub-Committee members.
5. Any objector(s) to the application or to retention of the licence may make a statement in support of their objection
6. The applicant/licensee may then ask the objector(s) questions, followed by the Licensing Officer/Manager and then Sub-Committee members.
7. The applicant/licensee may make a statement in support of their application or addressing the objection to their licence.
8. The objector(s) may then ask the applicant/licensee questions, followed by the Licensing Officer/Manager and then Sub-Committee members.
9. The Licensing Officer/Manager may make a final statement. (1)
10. The objector(s) may make a final statement. (1)
11. The applicant/licensee may make a final statement. (1)
12. The legal officer present will give any legal advice required if not already contained within the committee report.
13. The Sub-Committee will retire with the legal officer or the parties will be asked to wait outside while the Sub-committee considers their decision. If the decision is likely to take some time to determine parties will be discharged and informed of the

decision by e-mail or post.

14. Reasons for the decision will be given and provided to the parties in writing as soon as practicable together with any rights of appeal against the decision.

(1) Note: no new matters or evidence may be introduced in final statements

Notes:

This procedure note is designed for all Licensing Sub-Committee hearings relating to licensing matters save those under the Licensing Act 2003.

Hearings will take place for all applications where objection has been made to an application; this may be in relation to a grant or a renewal. This person is referred to as an applicant. Hearings will also take place for objections to retention of a licence if the licensee has breached their licence conditions or for any other relevant reason. This person is referred to as a licensee. Reference to an applicant, licensee or objector includes their representative if they have one. This person may or may not be legally qualified.

Hearings will be open to the public unless they are considered to be exempt under Schedule 12A to the Local Government Act 1972. The Agenda will indicate whether this is the case in advance however, the Sub-Committee may exclude the public if confidential or exempt information needs to be disclosed at the meeting.

All parties must read all the papers before the hearing takes place.

Parties may have a representative at the hearing that may or may not be legally qualified. All parties must give the Council at least 5 working days' notice in writing of whether:

- they or their representative intends to come to the hearing
- they are making a request for permission to bring any other person to speak at the hearing, or
- they consider that a hearing is unnecessary.

Any additional material, evidence or papers, to be introduced by any party must be sent to the licensing section in advance of the hearing. Material produced at the hearing will only be allowed with the consent of all the parties.

Parties should present themselves to reception at the designated meeting place at least 15 minutes before the hearing and ask for the licensing officer. If there is more than one hearing parties may have to wait to be heard and are thanked for their patience in advance.

Although there are no rules on how long any party can speak for, parties will be stopped from speaking if they are being repetitive or raising matters irrelevant to the matter at hand. A point is best made if it is made concisely and directly.

The Sub-Committee may proceed in the absence of any party on a failure to attend unless it is in the public interest to adjourn to another date but will take into account any written information that has already been presented.

In order to ensure that all parties receive a fair hearing, this procedure may be waived, altered or modified by the Sub-Committee.

If any party has any special needs regarding access, hearing or vision, this should be brought to the Licensing Officers attention prior to the hearing in order that appropriate provision may be made in advance if required.

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**APPENDIX L
SPECIFICATION FOR CLOSED CIRCUIT
TELEVISION CAMERAS IN HACKNEY
CARRIAGE AND PRIVATE HIRE
VEHICLES**

APPENDIX L

SPECIFICATION FOR CLOSED CIRCUIT TELEVISION CAMERAS IN HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

Image recording systems may be used in hackney carriage and private hire vehicles licensed by the Authority only where the equipment and systems comply with the specification below and where consent in writing has been issued to the licensee of the vehicle in advance of use.

Any vehicle licensee wishing to install image recording equipment must apply in writing to the Licensing Team providing such information as to show compliance with the requirements set out below and must comply with any conditions attached to consent to do so.

1 DATA PROTECTION

All images recording equipment must comply with the requirements of current Data Protection Legislation. Documentary evidence of compliance must be provided with any application for consent to use such equipment.

2 INSTALLATION

Equipment must be installed in such a way that will not cause injury to the driver or the passengers.

Equipment must be secure and not interfere with the safe operation of the vehicle.

All wiring must be fused at source and appropriately routed.

3 OPERATION AND IMAGE SECURITY

Images captured must remain secure at all times and be accessible only to authorised officers of the Authority, Police Officers and other bodies specifically approved by the Authority.

Some form of encryption and access code will be required to ensure permanent security of images.

Recorded images must show the date and times the image was captured, and identify the vehicle to which the equipment is installed.

4 SIGNAGE

There must be a sign informing passengers that the vehicle is fitted with surveillance equipment. The recommended wording on the sign is as follows -

PASSENGER NOTICE

*This hackney carriage/private hire vehicle is protected by a
Digital surveillance camera.*

Signs shall not be less than (11 x 8 cm)

The signs shall be located on each passenger door window and clearly visible from outside the vehicle. No signage that is likely to cause offence will be permitted.

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**APPENDIX M
MOTORBIKES LICENSED AS A
PRIVATE HIRE VEHICLE**

APPENDIX M

MOTORBIKES LICENSED AS A PRIVATE HIRE VEHICLE

1. Motorbikes must be approved for road use and comply with the Road Vehicles (Construction and Use) Regulations S.I.986 and No 1078 as amended, and the Road Vehicles Lighting Regulations 1989 S.I. 1989 No 1796 as amended.
2. The passenger should never be expected to hold any luggage whilst riding pillion. All luggage carried must be secured in purpose-built containers and must not affect the stability of the vehicle or the visibility of the driver.
3. The motorbike should have footrests suitable for pillion passengers. Standard footrests are likely to be suitable for the majority of passengers.
4. The vehicle must have private hire insurance. Additional fittings and modifications to the vehicle for its use as a private hire vehicle such as backrests, luggage racks, containers or driver information systems must be declared and must comply with manufacturer's specifications for such additional equipment.
5. Anti-lock brakes must be fitted.
6. The applicant must hold a current, valid motorbike driving licence issued by the DVLA for the type of vehicle being used and have passed the Authority's requirements for Private Hire Vehicle Drivers. As regards competence, in accordance with the Department of Transport guidance, applicants for a motorbike Private Hire Vehicle Driver's licence must have successfully completed one of the Institute of Advanced Motorist or Royal Society for the Prevention of Accident's advanced rider schemes. Evidence of completion of such a course must be submitted to the Authority on application. Successful completion of one of these courses is a good indicator of an individual's ability to ride safely and competently in terms of awareness, anticipation, vehicle handling and general road craft.
7. Persons licensed to ride motorbikes as a Private Hire Vehicle must provide evidence that they have five consecutive years' experience of riding the size of the vehicle that is proposed to be licensed.
8. Upon renewal the motorbike will be required to be MOT tested, and any advisory items identified on the MOT will need to be carried out within one month.
9. The display of the licence disc, and any permitted signage, must not interfere with the safety or operation of the vehicle but will otherwise be displayed in a prominent position.
10. The driver and passenger must comply with the requirement to wear a safety helmet that is compliant with BSI standards. The helmet must fit the individual user properly

and be securely fastened or it will be less effective and possibly dangerous. Operators should have a selection of helmets and determine at the time of the booking which size helmet the rider should bring with them. If a passenger supplies their own helmet, it is the licensed driver's responsibility to ensure that the meets the BSI standards and fits appropriately.

- 11.** The driver should wear protective clothing to guard them in the event of an accident. They must, as a minimum, offer and encourage passengers to wear gloves, jackets and trousers which must be CE marked to indicate compliance with recognised safety standards. Guidance about protective clothing can be found at <http://think.direct.gov.uk/motorcycles.html>. If passengers provide their own protective clothing which may not be CE marked, or decline to wear protective clothing then the driver must offer a warning before the journey commences. As a minimum a jacket and gloves must be worn. Clothing that may interfere with the safety or operation of the vehicle may not be worn.
- 12.** Communication between the rider and the passenger is an essential component of a safe journey. The driver and passenger should be linked through the safety helmets via a driver/pillion intercom system. The driver must instruct the passenger on how to use the system and ensure that they are familiar with the operation of the system.
- 13.** It must be borne in mind that some passengers might never have ridden on a motorcycle. The driver should, at the point of pick-up, determine whether a passenger is experienced on a motorbike. If not, the driver should deliver a basic briefing to passengers before commencing a journey instructing them how to react to driving conditions such as cornering etc. and to remind them they are choosing to accept that there are some risks involved in travelling by motorbikes that do not arise when travelling by cars. The driver must remind passengers that they need to co-operate with the driver to assist in keeping the vehicle stable, for example on corners.
- 14.** The driver must refuse to carry any passenger who cannot be carried safely e.g. because they cannot be properly equipped with appropriate helmet or appear to be under the influence of alcohol or drugs, cannot reach the footrests or are not able to understand the safety or instructions.
- 15.** The driver must ride safely at all times giving regard to the safety of his/her passenger, environmental factors, traffic conditions and other road users.
- 16.** The operator's website (if any) should display an image of the Private Hire Vehicle Operator's licence, and operators should provide a copy of the licence to a Police Constable and/or authorised officer of the Authority on reasonable request.
- 17.** Operators must indicate how they propose to meet the requirements for drivers on their circuits to ensure that passengers have properly fitting and secured helmets and adequate protective clothing, i.e. gloves and jackets.

- 18.** Operators must advise passengers, at the time of booking, that they should wear sturdy boots which cover their ankles.
- 19.** Operators must provide a written statement to the Authority setting out how they intend to assess any riders who want to join their organisation.
- 20.** If helmets are to be shared between drivers and/or passengers, operators must indicate how they will ensure adequate hygiene and fitment between users. It is recommended that operators should offer disposable helmet inserts/washable balaclavas for passengers to wear.
- 21.** Operators must implement and ensure compliance with a health and safety policy.
- 22.** Operators must ensure that suitable maintenance plans are in place for the motorbikes on their circuits and they should hold the service records for these vehicles. These must be produced to Police Constables and/or authorised officers of the Council on request.
- 23.** Due to the risks involved and the fact that the rider is dependent on the passenger being sufficiently co-operative, operators should not accept bookings which involve carrying a passenger who is under 16 years of age and drivers may not convey any person under 16 years old.

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APPENDIX N

REQUIREMENTS FOR DISPENSATION

APPENDIX N
REQUIREMENTS FOR DISPENSATION

“Section 75 (3) Local Government (Miscellaneous provisions) Act 1976
Guidelines for determining dispensations from the display of a private hire licence plate”

1. The Local Government (Miscellaneous Provisions) Act 1976 requires that a District or Borough Council must issue a private hire vehicle with an identify plate or disc and that the proprietor should not use, or permit the use of, that vehicle without displaying the plate as directed by the Council. The Act also gives a District or Borough Council the discretion to grant a proprietor a dispensation from displaying the licence plate on their licensed private hire vehicle. Each application for a dispensation will be considered on its own merits. The overriding consideration will be public safety. The clear identification of a licensed vehicle is considered such a safety aspect, particularly when visiting such places as airports, seaports and the centre of large towns.
2. Dispensations will not be granted as a matter of course. A clear case for the dispensation will have to be made by the proprietor to the Authority. In determining an application it will normally be the status of the passenger and the executive nature of the work that will indicate whether or not the dispensation should be granted. The high quality of the vehicle being used will be supportive of an application, but will not be the sole determining factor.
3. If the proprietor of a private hire vehicle, or the driver of the vehicle, has ever been cautioned or convicted by any Authority of unlawfully plying for hire, they will not be granted a dispensation.
4. The type of work which would be considered for the grant of a dispensation could be termed ‘executive style’ such work could include:-
 - (a) Contracts with senior personnel of large companies to carry managing directors or their clients.
 - (b) Contracts with national or local government or similar agencies to carry senior personnel and guest on official business
 - (c) The carriage of well-known personalities such as sports or ‘pop stars’
 - (d) The carriage of the bride and/or groom to a wedding (but not guests)

This list is indicative, but not exhaustive. It is also expected that the services offered to the passenger will be of a standard and class that go well beyond that which might be expected on a private hire journey normally booked through an operator. Other situations would be considered on their individual merits.

5. Where a dispensation is granted the vehicle must not display any indication that it is a private hire vehicle other than the Authority's credit card size Licence Plate affixed to the front inside windscreen and the window sticker clearly displayed in the rear window.
6. The type of work that will not be considered for the grant of a dispensation will include Council 'school contract' work, journeys to airports, seaports or railway stations, unless part of a journey covered by a dispensation; (it is considered that the proper display of licence plates is a safety feature when arriving at such venues, particularly in the current climate of a possible terrorist attacks) Theatre journeys or sporting events unless stipulated on the dispensation; 'Hen' and 'Stag' nights.

This list is indicative, but not exhaustive. In exceptional circumstances, where it can be shown that a particular journey of this nature warrants a dispensation, due consideration will be given to an application.

For a vehicle to qualify as an Exempt vehicle, the following additional Conditions will also apply:

7. The decision to grant or refuse an exemption for the display of the current private hire licence plates will be that of a Senior Officer within the Licensing Authority.
8. To qualify as Exempt, the vehicle would be luxurious and of a higher specification than standard model vehicles, and be of a suitable size, appearance and design.
9. Any bookings for the undertaking of a journey in an Exempt Vehicle must be made by way of a written contract. Such contracts must be in place for no less than 24 hours prior to commencement of the journey. Written contracts shall be made available for inspection by an Authorised Officer at any reasonable time and be retained for a period of not less than 12 months.
10. Exempt Vehicles that conduct Private Hire work without a written contract in place as per condition 3 will have their Exempt Vehicle status withdrawn. They will then be required to display Staffordshire Moorlands District Council standard Private Hire Plates on the front and rear of the vehicle, as well as "pre-booked" stickers and company name and telephone number.
11. Exempt Vehicles shall not display any external markings, e.g. operator details or advertisements.
12. Vehicles qualifying for Exempt status will be required to carry a copy of their Private Hire Vehicle Licence for inspection (on request) by any interested party, and a copy of the s75 (3) exemption notice.
13. In advance of the journey, the hirer must be advised that the vehicle dispatched to collect them will not be displaying standard Private hire Vehicle plates.