



Friday, 28 May 2021

Dear Sir/Madam

A meeting of the Licensing and Appeals Committee will be held on Tuesday, 8 June 2021 in the Council Chamber, Council Offices, Foster Avenue, Beeston NG9 1AB, commencing at 10.00 am.

Should you require advice on declaring an interest in any item on the agenda, please contact the Monitoring Officer at your earliest convenience.

Yours faithfully

Chief Executive

To Councillors: E H Atherton  
D Bagshaw (Chair)  
E Cubley  
T A Cullen  
D Grindell (Vice-Chair)  
R I Jackson  
R D MacRae  
J C Patrick  
D D Pringle  
M Radulovic MBE  
P D Simpson  
I L Tyler

## A G E N D A

1. APOLOGIES

To receive any apologies and notification of substitutes.

2. DECLARATIONS OF INTEREST

Members are requested to declare the existence and nature of any disclosable pecuniary interest and/or other interest in any item on the agenda.

3. MINUTES

(Pages 1 - 2)

The Committee is asked to confirm and sign as a correct record the minutes of the meeting held on 8 December 2020.

4. CONSULTATION ON THE COUNCIL'S HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY (Pages 3 - 144)

To advise Members of the result of the consultation on the proposed Hackney Carriage and Private Hire Licensing Policy and to propose a final policy for adoption.

5. UPDATE ON AN APPEAL OF A COMMITTEE DECISION TO THE MAGISTRATES COURT (Pages 145 - 146)

To advise Members of the result of an appeal by a taxi driver following the revocation of his licence by the Licensing and Appeals Committee.

## LICENSING AND APPEALS COMMITTEE

TUESDAY, 8 DECEMBER 2020

Present: Councillor D Bagshaw, Chair

Councillors: E H Atherton  
E Cubley  
D Grindell (Vice-Chair)  
R I Jackson  
R D MacRae  
D D Pringle  
P D Simpson

Apologies for absence were received from Councillors T A Cullen, J C Patrick, M Radulovic MBE and I L Tyler

1 DECLARATIONS OF INTEREST

There were no declarations of interest.

2 MINUTES

The minutes of the meeting held on 10 March 2020 were confirmed as a correct record of the meeting.

3 REVIEW OF THE COUNCIL'S HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

Members considered the revised proposals to the Council's Hackney Carriage and Private Hire Licensing Policy following publication of the Department for Transport Statutory taxi and Private Hire Vehicle Standards.

Government recommended that Councils should consult on any proposed changes to the policy. The Committee felt that the proposed four-week consultation was not long enough especially over the festive break and proposed extending the four-week consultation to eight weeks commencing 2 January 2021, with the results brought back to this Committee.

**RESOLVED** that the proposed amendments be **APPROVED** for consultation.

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## Report of the Chief Executive

**CONSULTATION ON THE COUNCIL'S HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY**1. Purpose of report

To advise Members of the result of the consultation on the proposed Hackney Carriage and Private Hire Licensing Policy and to propose a final policy for adoption.

2. Detail

At the Licensing and Appeals Committee meeting on 8 December 2020, Members considered the proposed revised proposals to the Council's Hackney Carriage and Private Hire Licensing Policy following publication of the Department for Transport (DfT) Statutory Taxi and Private Hire Vehicle Standards and recommended that the proposals be consulted upon.

A consultation was commenced on 2 January 2021 and ran for eight weeks closing on 8 March 2021.

There were no responses to the consultation. A list of the proposed amendments is attached as appendix 1. A copy of the proposed revised policy is attached as appendix 2.

A letter from the Transport Minister for Roads, Buses and Places advises that the review should be completed before 31 December 2021, so that any changes to policies can be in place as soon as possible in 2022. A copy of the letter is attached as appendix 5.

3. Financial implications

There are no financial implications for this report.

4. Equality Impact Assessment

The proposed policy is attached at appendix 3, with the revised Equality Impact Assessment at appendix 4.

**Recommendation**

**The Committee is asked to RESOLVE that the proposed policy be approved.**

Background papers

Nil.

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## APPENDIX 1

In July 2020 the Department for Transport issued new Statutory Guidance on Taxi and Private Hire Vehicle Standards focusing on the role of taxi licensing powers and enhanced regulation in protecting children and vulnerable adults. The guidance sets out core minimum standards that all licensing authorities are expected to meet in order to further safeguard vulnerable passengers, increase safety for the travelling public in general and comply with the statutory guidance changes to the Hackney Carriage and Private Hire Licensing Policy are proposed.

These standards are an important first step in reforming the way the taxi (HC) and private hire vehicle (PHV) sector is regulated and should ensure consistent standards between licensing authorities.

Para 1.3 of the Standards states:

*There is consensus that common core minimum standards are required to regulate better the taxi and private hire vehicle sector, and the recommendations in this document are the result of detailed discussion with the trade, regulators and safety campaign groups. **The Department therefore expects these recommendations to be implemented unless there is a compelling local reason not to.***

The current Hackney Carriage and Private Hire Licensing Policy was revised on 12 March 2019 and continues to be effective in ensuring that those applicants and / or licence holders that do not take seriously the need to safeguard children and vulnerable persons or promote the need for public safety and public confidence in the trade are adequately dealt with.

Due to the work already undertaken both by Broxtowe Borough Council and in conjunction with the other Nottinghamshire authorities in developing the current Policy, the additional requirements placed on the Council by the Statutory Standards can be very easily implemented, and these requirements are listed below (and highlighted in yellow within the Draft Revised Hackney Carriage and Private Hire Licensing Policy attached at **Appendix Two**):

#### Major recommendations from the document

The document sets out a framework of policies that, under section 177(4), licensing authorities “**must have regard**” to when exercising their functions. These functions include developing, implementing and reviewing their taxi and private hire vehicle licensing regimes. “Having regard” is more than having a cursory glance at a document before arriving at a preconceived conclusion.

**In the interest of transparency, all licensing authorities should publish their consideration of the measures contained in Statutory Taxi and Private Hire Vehicle Standards, and the policies and delivery plans that stem from these.**

**Licensing authorities should review their licensing policies every five years, but should also consider interim reviews should there be significant issues arising in their area, and their performance annually.**

The recommended review period is incorporated into the draft policy.

The proposed changes to the policy will be consulted upon and responses reported back to the Licensing and Appeals Committee.

**Licensing authorities should have effective internal procedures in place for staff to raise concerns and for any concerns to be dealt with openly and fairly.**

**local authorities should ensure they have an effective ‘whistleblowing’ policy and that all staff are aware of it.**

The Council has an effective “whistle blowing “policy in place.

Any decision taken to alter the licensing regime is likely to have an impact on the operation of the taxi and private hire vehicle sector in neighbouring areas; and **licensing authorities should engage with these areas to identify any concerns and issues that might arise from a proposed change.**

Broxtowe Borough Council meets with its Nottinghamshire counterparts on a regular basis and the Statutory document together with the implications has been discussed on a number of occasions.

**Any changes in licensing requirements should be followed by a review of the licences already issued.**

Councillors may wish to consider such a step following adoption of the draft policy.

**Licensing authorities should maintain close links with the police to ensure effective and efficient information sharing procedures and protocols are in place and are being used.**

The countywide Taxi Licensing Group is in discussion with Nottinghamshire Police and the Office of the Police and Crime Commissioner to ensure such procedures and policies are put in place on a formal footing.

**A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, should be referred to the DBS.**

Broxtowe Borough Council is engaged in such processes and has referred such an individual previously following revocation of his driver badge.

**Action taken by the licensing authority as a result of information received should be fed-back to the police.**

This will form part of the policies and procedures agreed with Nottinghamshire Police and the Office of the Police and Crime Commissioner.



**Applicants and licensees should be required to disclose if they hold or have previously held a licence with another authority. An applicant should also be required to disclose if they have had an application for a licence refused, or a licence revoked or suspended by any other licensing authority.**

This is already a requirement for new applicants and licensees.

The LGA commissioned the National Anti-Fraud Network to develop a national register of taxi and private hire vehicle driver licence refusals and revocations (the register is known as 'NR3'). **Tools such as NR3 should be used by licensing authorities to share information on a more consistent basis to mitigate the risk of non-disclosure of relevant information by applicants.**

Broxtowe Borough Council has been signed up to NR3 for the past two years.

**All licensing authorities should have a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees.**

Complaints reported to the council are recorded and acted upon. The Licensing and Appeals Committee recently revoked a licence following a number of complaints recorded against a particular driver.

**All individuals that determine whether a licence is issued should be required to undertake sufficient training.** As a minimum, training for a member of a licensing committee should include: licensing procedures, natural justice, understanding the risks of CSAE, disability and equality awareness and the making of difficult and potentially controversial decisions.

The Licensing Manager in conjunction with the Legal team undertakes training for members on a regular basis. Countywide training for members has also been provided. This will continue to take place with emphasis on areas indicated in the standards recommendation.

**All licensing authorities should consider arrangements for dealing with serious matters that may require the immediate revocation of a licence.** It is recommended that this role is delegated to a senior officer/manager with responsibility for the licensing service.

Such a procedure is in place within the council's scheme of delegation.

"All licensed drivers should also be required to evidence continuous registration with the DBS update service to enable the licensing authority to routinely check for new information every six months. Drivers that do not subscribe up to the Update Service should still be subject to a check every six months."

The draft policy has been amended to implement this recommendation.

**In the interests of public safety, licensing authorities should not, as part of their policies, issue a licence to any individual that appears on either barred list.**

The “barred lists” referred to relate to

1. People who are barred from working with children
2. People who are barred from working with vulnerable adults

All licensed drivers are required to undertake a Disclosure and Barring Service check which includes a check on both barred lists. This has been a standard requirement for a number of years.

### **Vehicles**

**Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually.**

This is a new recommendation that vehicle proprietors both HC and PHV provide an annual Basic DBS check. A Basic check provides details of “unspent” convictions and conditional cautions of the applicant.

It has not previously been thought necessary to check the status of vehicle owners.

The draft policy has been amended to include this requirement

### **Operators**

**Licensing authorities should request a basic disclosure from the DBS and that a check is undertaken annually.**

Currently a basic DBS check is required upon application for a private hire operator licence.

The draft policy has been amended to include this requirement

**Licensing authorities should, as a condition of granting an operator licence, require a register of all staff that will take bookings or dispatch vehicles is kept.**

The draft policy has been amended to include this new requirement

**Licensing authorities should as a minimum require private hire vehicle operators to record the following information for each booking.**

The document recommends a number of details to be recorded. The current policy has much of this already in place and the draft policy has been amended to update this requirement.

## Convictions

**Authorities must consider each case on its own merits, and applicants/licenses are entitled to a fair and impartial consideration of their application.** Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.

The Councils current policy was revised in September 2017. The recommended standard goes further than the current policy and details are shown below together with a list of other amendments to the policy. Tariffs are increased in many cases.

### Policy Amendments

Reference	Amendment	Rationale
Section 1	This policy will be reviewed every 5 years but may be subject to interim reviews should the need arise	New requirement
Section 5.4	The Licensing Authority requires all drivers to fund, obtain and produce an enhanced DBS check every six months and the details contained within this will be retained by the Licensing Authority. Licence holders are required to subscribe to the DBS Online Update. The update service can be used if an application is made for a renewal or six monthly check and there have been no changes. If no changes are recorded on the DBS certificate, then a full DBS check will not be required. In all other cases a full Enhanced DBS check will be required before a licence will be renewed/issued	New Requirement to produce DBS every 6 months.
Section 5.4	<u>DVLA Driving Licence Check</u> All applicants for and holders of a hackney carriage/private hire driver's badge will be required to have a six monthly DVLA check of their driving licence record. A driving licence check code must be provided to the Council to enable this to take place.	New requirement (not required by Standards but brings check procedure in line with DBS requirement)
Section 6.1	A Basic DBS Disclosure Certificate (No older than 31 days) or permission to access the update	New Requirement

	service if the applicant is not the holder of a current Hackney Carriage/Private Hire Driver Licence or Private Hire Operator Licence issued by Broxtowe Borough Council.	
Section 8.3	The Licensing Authority requires that all operators (all partners /directors) fund, obtain and provide a basic DBS certificate annually if the applicant is not the holder of a current hackney carriage/private hire driver licence or private hire operator licence issued by Broxtowe Borough Council. If the Operator holds a current hackney carriage/private hire driver licence, permission to access the Update Service will be acceptable.	New Requirement
Section 8.9h	The Operator is required to maintain a register of all staff whose work consists of taking bookings and dispatching vehicles, and that such staff have provided the Operator with a Basic DBS Disclosure and that such checks are reviewed annually, and certainly prior to a new employee commencing work	New requirement
Section 8.9i	The Operator is required to maintain a Policy on the employment of ex-offenders who may work for the Operator or undertake work on behalf of the Operator in order to ensure such persons do not pose a risk to the safety of The public. Applicants and licence holders are advised to note the position the Council takes in its Relevant Convictions Policy ( <b>Appendix B</b> ) when formulating such a Policy.	New requirement
Section 8.9j	The Operator will ensure that the company maintains a Safeguarding Policy that addresses the needs of the protection of children and vulnerable adults for whom the Operator provides transport services. Such a Policy shall also include the matters referred to at items h and i above.	New requirement
Section 8.9k	The Operator is required to evidence that any other Operator to whom they sub-contracts bookings, has necessary comparable protections in place for the safeguarding of children and vulnerable adults.	New requirement

Appendix B 5.1(a)	<p><b>Exploitation</b></p> <p>Where an applicant or licence holder has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not normally be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse. Such offences include but are not limited to:</p> <ol style="list-style-type: none"> <li>1. Slavery</li> <li>2. Trafficking</li> <li>3. Child sexual abuse</li> <li>4. Exploitation</li> <li>5. Grooming</li> <li>6. psychological, emotional or financial abuse</li> <li>7. Kidnapping or abduction</li> <li>8. Or any similar offences (Including attempted or conspiracy to commit) offences which may replace the above</li> </ol>	New Section
Appendix B 5.4	<p><b>Discrimination</b></p> <p>A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the offences below and at least <b>5 years</b> have passed since the completion of any sentence and/or licence period:</p> <ol style="list-style-type: none"> <li>1. Racially-aggravated criminal damage</li> <li>2. Racially-aggravated offence</li> <li>3. Hate crime against a person or persons</li> <li>4. Hate crime against property</li> <li>5. Or any similar offences (including attempted or conspiracy to commit offences) which replace the above.</li> </ol>	New heading Amended section
Appendix B 5.5	<p>A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the offences below and at least <b>10 years</b> have passed since the completion of any sentence and/or licence</p>	Increase from 7 to 10 years as Recommendation

	<p>period:</p> <ol style="list-style-type: none"> <li>1. Common assault/Battery</li> <li>2. Assault occasioning actual bodily harm</li> <li>3. Affray</li> <li>4. S5 Public Order Act 1986 offence (harassment, alarm or distress)</li> <li>5. S.4 Public Order Act 1986 offence (fear of provocation of violence)</li> <li>6. S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)</li> <li>7. Obstruction</li> <li>8. Criminal damage</li> <li>9. Harassment</li> <li>10. Offences involving anti-social behaviour</li> <li>11. Or any similar offences (including attempted or conspiracy to commit offences) which replace the above</li> </ol>	
Appendix B 5.8	<p><b>Possession of a weapon</b></p> <p>If an applicant has been convicted of possession of a weapon or any other weapon related offence, depending on the circumstances of the offence, at least <b>7 years</b> must have passed since the completion of the sentence, before a licence is granted.</p>	Recommendation Increase from 3 to 7 years
Appendix B 5.9	<p><b>Sexual and indecency offences</b></p> <p>As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinised. All sexual offences should be considered as serious. Applicants with convictions for sexual offences will normally be refused a licence upon application, renewal or review.</p> <p>Such offences include:</p> <ol style="list-style-type: none"> <li>1. Rape</li> <li>2. Assault by penetration</li> <li>3. Offences involving children or vulnerable</li> </ol>	Recommendation Section amended.

	<p>adults</p> <ol style="list-style-type: none"> <li>4. Grooming, Trafficking or other Sexual Exploitation related offences (adults and/or children)</li> <li>5. Making or distributing obscene material</li> <li>6. Possession of indecent photographs depicting child pornography.</li> <li>7. Sexual assault</li> <li>8. Indecent assault</li> <li>9. Exploitation of prostitution</li> <li>10. Any similar offences (including attempted or conspiracy to commit offences) which replace the above</li> <li>11. Making indecent telephone calls</li> <li>12. Importuning</li> <li>13. Indecent exposure</li> <li>14. Soliciting (kerb crawling)</li> <li>15. Any similar offences (including attempted or conspiracy to commit offences) which replace the above.</li> </ol>	
Appendix B 5.13	<p>Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed. Offences involving dishonesty include but are not limited to</p>	<p>Recommendation Increase from 5 to 7 years</p>
Appendix B 5.23	<p><b>Driving offences involving alcohol and/or drugs</b></p> <p>A serious view will be taken of convictions of driving, or attempting to drive, or being in charge of a vehicle while under the influence of drink or drugs. Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed</p> <p>In the case of driving under the influence of drugs, any applicant or licence holder may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.</p>	<p>Recommendation Increase from 5 to 7 years</p>
Appendix B 5.24	<p>More than one conviction for this type of offence or one such offence within the last 7 years is</p>	<p>Recommendation Increase from 5 to</p>

	likely to merit refusal. In addition, applicants will normally be required to show a period of at least 7 years has elapsed after completion of detoxification treatment if (s)he was an alcoholic or drug addict.	7 years
Appendix B 5.36	<p>Using a Hand-held Device Whilst Driving</p> <p>Where an applicant has a conviction for using a hand held mobile phone or a hand held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later</p>	Recommendation New offence
Appendix D 24	The driver shall, within 48 hours, disclose in writing to the Council details of any arrest and release, charge or conviction of any sexual offence, any other criminal offence and any motoring offence.	Recommendation Reduced from 7 days to 48 hours
Appendix F	<p>The applicant is required to sign up to the DBS Update Service as this will allow the Council to undertake six-monthly checks (or more frequent checks if deemed appropriate) at a significantly reduced cost to the applicant.</p> <p>The applicant will be sent a printed DBS disclosure certificate which they will be required to provide to the Licensing Section.</p> <p>A licence will not be issued without the Council having viewed a copy of the DBS certificate.</p> <p>Once a DBS certificate is received the applicant has period of 30 calendar days to subscribe to the DBS update service.</p> <p>The Council requires all drivers to undergo a DBS every six months and upon renewal. Signing up to the DBS update service will enable the Licensing Authority to undertake this check on behalf of the applicant. If this service is not subscribed to, it will be the responsibility of the applicant to ensure a DBS certificate is available on the relevant date</p>	Amended condition to 6 monthly checks
Appendix K 16	Each member of staff must provide to the operator a valid basic DBS certificate on an annual basis and prior to commencement of employment.	New condition



	The register must be made available to an authorised officer on request	
Appendix K 17	The operator shall implement and maintain a policy relating to the employment of ex-offenders. The policy must be provided to the Licensing Authority upon being implanted. The policy must be made available to an authorised officer on request.	New condition
Appendix K 18	The operator shall implement and maintain a safeguarding policy that demonstrates the steps taken to protect children and other vulnerable adults for whom the operator provides transport services	New condition
Appendix K 19	The operator shall ensure that any other operator to whom they sub-contract bookings also has a similar policy in place to protect children and other vulnerable adults.	New condition
Appendix K 20	The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such as a minibus to undertake a private hire vehicle booking should not be permitted as a condition of the private hire vehicle operator's licence without the informed consent of the booker	New condition

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Department  
for Transport

# Statutory Taxi & Private Hire Vehicle Standards

## Contents

	Page
1. Introduction.....	4
2. Consideration of the Statutory Taxi and Private Hire Vehicle Standards.....	6
3. Administering the Licensing Regime.....	8
Licensing polices .....	8
Duration of licences .....	9
Whistleblowing.....	9
Consultation at the local level .....	10
Changing licensing policy and requirements .....	10
4. Gathering and Sharing Information.....	12
The Disclosure and Barring Service .....	12
The Disclosure and Barring Service Update Service .....	13
Common Law Police Disclosure .....	13
Licensee self-reporting .....	13
Referrals to the Disclosure and Barring Service and the Police .....	14
Working with the Police .....	15
Sharing licensing information with other licensing authorities.....	15
Multi-agency Safeguarding Hub (MASH).....	16
Complaints against licensees .....	17
Overseas convictions .....	17
5. Decision Making .....	19
Administration of the licensing framework .....	19
Training decision makers.....	19
The regulatory structure .....	20
Fit and proper test .....	21
Criminal convictions and rehabilitation .....	21
6. Driver Licensing.....	23
Criminality checks for drivers.....	23
Safeguarding awareness.....	23
‘County lines’ exploitation .....	24
Language proficiency .....	25

7. Vehicle Licensing.....	26
Criminality checks for vehicle proprietors .....	26
In-vehicle visual and audio recording – CCTV.....	27
Stretched Limousines .....	28
8. Private Hire Vehicle Operator Licensing .....	29
Criminality checks for private hire vehicle operators.....	29
Booking and dispatch staff.....	30
Record keeping .....	31
Use of passenger carrying vehicles (PCV) licensed drivers .....	31
9. Enforcing the Licensing Regime .....	33
Joint authorisation of enforcement officers .....	33
Setting expectations and monitoring.....	33
Suspension and revocation of driver licences.....	33
Annex – Assessment of Previous Convictions .....	35
Annex – Disclosure and Barring Service information .....	37
Annex – CCTV Guidance .....	38
Annex - Staying Safe: Guidance for Passengers .....	40

# 1. Introduction

- 1.1 There is evidence to support the view that taxis and private hire vehicles are a high-risk environment. In terms of risks to passengers, this can be seen in abuse and exploitation of children and vulnerable adults facilitated and in some cases perpetrated by the trade and the number of sexual crimes reported which involve taxi and private hire vehicle drivers. Links between the trade and child sexual abuse and exploitation have been established in many areas and other investigations continue. Data on reported sexual assaults by taxi and private hire vehicle drivers evidence the risk to passengers; data from [Greater Manchester](#) and [Merseyside](#) suggest that, if similar offence patterns are applied across England, 623 sexual assaults per year are reported. These figures do not however account for the under reporting of crime which is estimated to be as high as 83 percent in the [Crime Survey for England and Wales](#).
- 1.2 The Policing and Crime Act 2017 enables the Secretary of State for Transport to issue statutory guidance on exercising taxi and private hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from harm when using these services. For the purposes of this document, a child is defined as anyone who has not yet reached their 18th birthday; and the term “vulnerable individual” has the same meaning as the definition of a ‘vulnerable adult’ for the purpose of section 42 of the [Care Act 2014](#), which applies where a local authority has reasonable cause to suspect that an adult in its area (whether or not ordinarily resident there):
- (a) has needs for care and support (whether or not the authority is meeting any of those needs),
  - (b) is experiencing, or is at risk of, abuse or neglect, and
  - (c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.
- 1.3 Whilst the focus of the Statutory Taxi and Private Hire Vehicle Standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained in it. There is consensus that common core minimum standards are required to regulate better the taxi and private hire vehicle sector, and the recommendations in this document are the result of detailed discussion with the trade, regulators and safety campaign groups. **The Department therefore expects these recommendations to be implemented unless there is a compelling local reason not to.**
- 1.4 It should be noted that as policing and criminal justice is not a devolved matter, the Statutory Taxi and Private Hire Vehicle Standards issued under the Policing and Crime Act 2017 will continue to have effect in Wales although responsibility for taxi and private hire vehicle policy was devolved to the Welsh Assembly in April 2018. Should the Welsh Government introduce legislation to regulate on these issues, the standards in this document would, cease to apply.

- 1.5 All local authorities and district councils that provide children's and other types of services, including licensing authorities, have a statutory duty to make arrangements to ensure that their functions and any services that they contract out to others are discharged having regard to the need to safeguard and promote the welfare of children. This means that licensing authorities should have in place arrangements that reflect the importance of safeguarding and promoting the welfare of children. This includes clear whistleblowing procedures, safe recruitment practices and clear policies for dealing with allegations against people who work with children, as set out in the [Working Together to Safeguard Children](#) statutory guidance.
- 1.6 The Statutory Taxi and Private Hire Vehicle Standards reflect the significant changes in the industry and lessons learned from experiences in local areas since the 2010 version of the Department's Best Practice Guidance. This includes extensive advice on checking the suitability of individuals and operators to be licensed; safeguarding children and vulnerable adults; the Immigration Act 2016 and Common Law Police Disclosure (which replaced the Notifiable Occupations Scheme).
- 1.7 The standards in this document replace relevant sections of the Best Practice Guidance issued by the Department in 2010, where there is a conflict between the Statutory Taxi and Private Hire Vehicle Standards and the Best Practice Guidance the Department issue on taxi and private hire vehicle licensing, the standards in this document take precedence.

## Terminology

Taxis are referred to in legislation, regulation and common language as 'hackney carriages', 'black cabs' and 'cabs'. The term '**taxi**' is used throughout this document and refers to all such vehicles. Taxis can be hired immediately by hailing on the street or at a rank.

Private hire vehicles include a range of vehicles including minicabs, executive cars, chauffeur services, limousines and some school and day centre transport services. All private hire vehicle journeys must be pre-booked via a licensed private hire vehicle operator and are subject to a 'triple licensing lock' i.e. the operator fulfilling the booking must use vehicles and drivers licensed by the same authority as that which granted its licence. The term 'private hire vehicle' is used throughout this document to refer to all such vehicles.

## 2. Consideration of the Statutory Taxi and Private Hire Vehicle Standards

- 2.1 The past failings of licensing regimes must never be repeated. The Department has carefully considered the measures contained in the Statutory Taxi and Private Hire Vehicle Standards and recommend that these should be put in to practice and administered appropriately to mitigate the risk posed to the public. The purpose of setting standards is to protect children and vulnerable adults, and by extension the wider public, when using taxis and private hire vehicles.
- 2.2 The Government set out in the [Modern Crime Prevention Strategy](#) the evidence that where Government, law enforcement, businesses and the public work together on prevention, this can deliver significant and sustained cuts in certain crimes. That is good news for victims and communities and it makes clear economic sense too. Educating the public on the risks of using unlicensed drivers and vehicles, how to identify the licensed trade and appropriate measure to take when using these services will protect help all passengers, more information is annexed to this document (Annex - Staying safe: guidance for passengers).
- 2.3 The Strategy committed to protect children and young people from the risk of child sexual abuse and exploitation (CSAE), by working with local authorities to introduce rigorous taxi and private hire vehicle licensing regimes. Both the [Jay](#) and [Casey](#) reports on CSAE highlighted examples of taxi/private hire vehicle drivers being directly linked to children that were abused, including instances when children were picked up from schools, children's homes or from family homes and abused, or sexually exploited.
- 2.4 The Casey Report made clear that weak and ineffective arrangements for taxi and private hire vehicle licensing had left the children and public at risk. The Department for Transport has worked with the Home Office, Local Government Association (LGA), personal safety charities, trade unions and trade bodies,



holding workshops, forums, and sharing evidence and good practice with local authorities to assist in the setting of the standards.

- 2.5 This document is published by the Secretary of State for Transport under section 177(1) of the Policing and Crime Act 2017 following consultation in accordance with section 177(5).
- 2.6 The document sets out a framework of policies that, under section 177(4), licensing authorities “**must have regard**” to when exercising their functions. These functions include developing, implementing and reviewing their taxi and private hire vehicle licensing regimes. “Having regard” is more than having a cursory glance at a document before arriving at a preconceived conclusion.
- 2.7 “Having regard” to these standards requires public authorities, in formulating a policy, to give considerations the weight which is proportionate in the circumstances. **Given that the standards have been set directly to address the safeguarding of the public and the potential impact of failings in this area, the importance of thoroughly considering these standards cannot be overstated.** It is not a question of box ticking; the standards must be considered rigorously and with an open mind.
- 2.8 Although it remains the case that licensing authorities must reach their own decisions, both on overall policies and on individual licensing matters in light of the relevant law, it may be that the Statutory Taxi and Private Hire Vehicle Standards might be drawn upon in any legal challenge to an authority’s practice, and that any failure to adhere to the standards without sufficient justification could be detrimental to the authority’s defence. **In the interest of transparency, all licensing authorities should publish their consideration of the measures contained in Statutory Taxi and Private Hire Vehicle Standards, and the policies and delivery plans that stem from these.** The Department has undertaken to monitor the effectiveness of the standards in achieving the protection of children and vulnerable adults (and by extension all passengers).
- 2.9 The Statutory Taxi and Private Hire Vehicle Standards does not purport to give a definitive statement of the law and any decisions made by a licensing authority remain a matter for that authority.

### 3. Administering the Licensing Regime

#### Licensing policies

- 3.1 The Department recommends all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing. This should include but not be limited to policies on convictions, a 'fit and proper' person test, licence conditions and vehicle standards.
- 3.2 When formulating a taxi and private hire vehicle policy, the primary and overriding objective must be to protect the public. The importance of ensuring that the licensing regime protects the vulnerable cannot be overestimated. This was highlighted in the [report by Dame Louise Casey CB](#) of February 2015 on safeguarding failings.

*“It will be evident from this report that in many cases the activities of perpetrators take place in spheres which are regulated by the Council – taxis have been the focus of particular concern. Persistent and rigorous enforcement of the regulatory functions available to the council, including the placing of conditions on private hire taxi operator licences where appropriate, would send a strong signal that the trade is being monitored and would curtail the activities of opportunistic perpetrators whereby taxi drivers have solicited children to provide sex in return for cigarettes, alcohol or a fare free ride.”*

- 3.3 The long-term devastation caused by CSAE was summarised in the same report:

*“Victims suffer from suicidal feelings and often self-harm. Many become pregnant. Some have to manage the emotional consequences of miscarriages and abortions while others have children that they are unable to parent appropriately. The abuse and violence continues to affect victims into adulthood. Many enter violent and abusive relationships. Many suffer poor mental health and addiction.”*

- 3.4 Rotherham Metropolitan Borough Council ('Rotherham Council') provides an example of how the systematic review of policies and procedures and the implementation of a plan to drive improvements in practice can result in a well-functioning taxi and private hire vehicle sector that is rebuilding local confidence in the industry. The history of past failings here and elsewhere is well known, but it is the transparency and resolution that Rotherham Council has demonstrated and the high standards they now require that are rebuilding public confidence.
- 3.5 One of the key lessons learned is that it is vital to review policies and reflect changes in the industry both locally and nationally. **Licensing authorities should review their licensing policies every five years, but should also consider interim reviews should there be significant issues arising in their area, and their performance annually.**

## Duration of licences

- 3.6 A previous argument against issuing licences for more than a year was that a criminal offence might be committed, and not notified, during this period; this can of course also be the case during the duration of a shorter licence. This risk can be mitigated for drivers by authorities to undertaking regular interim checks. To help authorities monitor licensees' suitability, licensing authorities should engage with their police force to ensure that when the police believe a licensee presents a risk to the travelling public they use their Common Law Police Disclosure powers (see paragraphs 4.9 - 4.11) to advise them.
- 3.7 The Local Government (Miscellaneous Provisions) Act 1976 (as amended) sets a standard length at three years for taxi and private hire vehicle drivers and five years for private hire vehicle operators. Any shorter duration licence should only be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case, if a licensee has requested one or where required (e.g. when the licence holder's leave to remain in the UK is time-limited) or when the licence is only required to meet a short-term demand; they should not be issued on a 'probationary' basis.

## Whistleblowing

- 3.8 It is in the application of licensing authority's policies (and the training and raising of awareness among those applying them) that protection will be provided. Where there are concerns that policies are not being applied correctly, it is vital that these can be raised, investigated and remedial action taken if required. **Licensing authorities should have effective internal procedures in place for staff to raise concerns and for any concerns to be dealt with openly and fairly.**

A report into the licensing of drivers by South Ribble Borough Council highlights the implications of not applying the agreed policies. In early August 2015, concerns were raised regarding decisions to renew the licences of drivers where there were potential incidents of child sexual exploitation. An internal review concluded that there had been failings in local investigatory procedures which might have affected the ability of the General Licensing Committee to make proper decisions, and information sharing with the police and data recording was not satisfactory.

- 3.9 The external investigation in South Ribble concluded “that there had been a lack of awareness and priority given to safeguarding and the safety of taxi [and private hire vehicle] passengers in the manner in which licensing issues were addressed”. We are pleased to note that the [report](#) concludes, “The Council have been active at every stage in responding to issues and concerns identified. It has taken steps to address operational issues in the licensing function and has engaged fully with other agencies in so doing. In the light of the above, it is not necessary to make any further recommendations.”
- 3.10 It is hoped that all licensing authorities will have learnt from these mistakes but to prevent a repeat, **local authorities should ensure they have an effective ‘whistleblowing’ policy and that all staff are aware of it.** If a worker is aware of, and has access to, effective internal procedures for raising concerns then ‘whistleblowing’ is unlikely to be needed.
- 3.11 The Public Interest Disclosure Act 1998 (PIDA), commonly referred to as whistleblowing legislation, provides protection for those that have a reasonable belief of serious wrongdoing, including failure to comply with professional standards, council policies or codes of practice/conduct. The PIDA is part of employment law. In the normal course of events, if a worker reveals information that his employer does not want revealed it may be a disciplinary offence. If someone leaked their employer’s confidential information to the press, they might expect to be dismissed for that. The PIDA enables workers who ‘blow the whistle’ about wrongdoing to complain to an employment tribunal if they are dismissed or suffer any other form of detriment for doing so. It is a qualified protection and certain conditions would have to be met for the worker to be protected. More information is available online for [employees](#) and [employers](#):

### Consultation at the local level

- 3.12 Licensing authorities should consult on proposed changes in licensing rules that may have significant impacts on passengers and/or the trade. Such consultation should include not only the taxi and private hire vehicle trades but also groups likely to be the trades’ customers. Examples are groups representing disabled people, Chambers of Commerce, organisations with a wider transport interest (e.g. the Campaign for Better Transport and other transport providers), women’s groups, local traders, and the local multi-agency safeguarding arrangements. It may also be helpful to consult with night-time economy groups (such as Pubwatch) if the trade is an important element of dispersal from the local night-time economy’s activities.
- 3.13 Any decision taken to alter the licensing regime is likely to have an impact on the operation of the taxi and private hire vehicle sector in neighbouring areas; and **licensing authorities should engage with these areas to identify any concerns and issues that might arise from a proposed change.** Many areas convene regional officer consultation groups or, more formally, councillor liaison meetings; this should be adopted by all authorities.

### Changing licensing policy and requirements

- 3.14 **Any changes in licensing requirements should be followed by a review of the licences already issued.** If the need to change licensing requirements has been identified, this same need is applicable to those already in possession of a licence. That is not however to suggest that licences should be automatically revoked overnight, for example if a vehicle specification is changed it is proportionate to allow those that would not meet the criteria to have the opportunity to adapt or change their vehicle. The same pragmatic approach should be taken to driver licence changes - if requirements are changed to include a training course or qualification, a reasonable time should be allowed for this to be undertaken or gained. The implementation schedule of any changes that affect current licence holders must be transparent and communicated promptly and clearly.
- 3.15 Where a more subjective change has been introduced, for example an amended policy on previous convictions, a licensing authority must consider each case on its own merits. Where there are exceptional, clear and compelling reasons to deviate from a policy, licensing authorities should consider doing so. Licensing authorities should record the reasons for any deviation from the policies in place.

## 4. Gathering and Sharing Information

- 4.1 Licensing authorities must consider as full a range of information available to them when making a decision whether to grant a licence and to meet their ongoing obligation to ensure a licensee remains suitable to hold a licence.

### The Disclosure and Barring Service

- 4.2 The Disclosure and Barring Service (DBS) provides access to criminal record information through its disclosure service for England and Wales. The DBS also maintains the lists of individuals barred from working in regulated activity with children or adults. The DBS makes independent barring decisions about people who have harmed, or where they are considered to pose a risk of harm to a child or vulnerable person within the workplace. The DBS enables organisations in the public, private and voluntary sectors to make safer employment decisions by identifying candidates who may be unsuitable for certain work, especially that which involves vulnerable groups including children.
- 4.3 Enhanced certificates with a check of the barred lists include details of spent and unspent convictions recorded on the Police National Computer (PNC), any additional information which a chief officer of police believes to be relevant and ought to be disclosed, as well as indicating whether the individual is barred from working in regulated activity with children or adults. Spent convictions and cautions are disclosed on standard and enhanced certificates according to rules set out in legislation. Convictions which resulted in a custodial sentence, and convictions or cautions for a specified serious offence such as those involving child sexual abuse will always be disclosed on a standard or enhanced certificate. Full details of the disclosure rules, and those offences which will always be disclosed, are available from the [DBS](#). As well as convictions and cautions, an enhanced certificate may include additional information which a chief police officer reasonably believes is relevant and ought to be disclosed. Chief police officers must have regard to the [statutory guidance](#) issued by the Home Office when considering disclosure. A summary of the information provided at each level of DBS checks is annexed to this document (Annex – Disclosure and Barring Service information).
- 4.4 It should be noted that licensing authorities must not circumvent the DBS process and seek to obtain details of previous criminal convictions and other information that may not otherwise be disclosed on a DBS certificate. Whilst data protection legislation (not just the Data Protection Act 2018 or General Data Protection Regulation (GDPR)) gives individuals (or data subjects) a 'right of access' to the personal data that an organisation holds about them, it is a criminal offence to require an individual to exercise their subject access rights so as to gain information about any convictions and cautions. This could potentially lead to the authority receiving information to which it is not entitled. The appropriate way of accessing an individual's criminal records is through an enhanced DBS and barred lists check.

## The Disclosure and Barring Service Update Service

- 4.5 Subscription to the DBS Update Service allows those with standard and enhanced certificates to keep these up to date online and, with the individual's consent, allows nominees to check the status of a certificate online at any time. Subscription to the service removes the need for new certificates to be requested, reduces the administrative burden and mitigates potential delays in relicensing.
- 4.6 The DBS will search regularly to see if any relevant new information has been received since the certificate was issued. The frequency varies depending on the type of information; for criminal conviction and barring information, the DBS will search for updates on a weekly basis. For non-conviction information, the DBS will search for updates every nine months.
- 4.7 Licensing authorities are able to request large numbers of status checks on a daily basis. The DBS has developed a Multiple Status Check Facility (MSCF) that can be accessed via a web service. The MSCF enables organisations to make an almost unlimited number of Status Checks simultaneously. Further information on the MSCF is available from the [DBS](#).
- 4.8 Should the MSCF advise that new information is available the DBS certificate should no longer be relied upon and a new DBS certificate requested.

### Common Law Police Disclosure

- 4.9 The DBS is not the only source of information that should be considered as part of a fit and proper assessment for the licensing of taxi and private hire vehicle drivers. Common Law Police Disclosure ensures that where there is a public protection risk, the police will pass information to the employer or regulatory body to allow them to act swiftly to mitigate any danger.
- 4.10 Common Law Police Disclosure replaced the Notifiable Occupations Scheme (NOS) in March 2015 and focuses on providing timely and relevant information which might indicate a public protection risk. Information is passed on at arrest or charge, rather than on conviction which may be some time after, allowing any measures to mitigate risk to be put in place immediately.
- 4.11 This procedure provides robust safeguarding arrangements while ensuring only relevant information is passed on to employers or regulatory bodies. **Licensing authorities should maintain close links with the police to ensure effective and efficient information sharing procedures and protocols are in place and are being used.**

### Licensee self-reporting

- 4.12 Licence holders should be required to notify the issuing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any of the offences within this scope should result in a review by the issuing authority as to whether the licence holder is fit to continue to do so. This must not

however be seen as a direction that a licence should be withdrawn; it is for the licensing authority to consider what, if any, action in terms of the licence should be taken based on the balance of probabilities. Should an authority place an obligation on licensees to notify under these circumstances, authorities should also ensure appropriate procedures are in place to enable them to act in a suitable timeframe if and when needed.

- 4.13 Importantly, a failure by a licence holder to disclose an arrest that the issuing authority is subsequently advised of might be seen as behaviour that questions honesty and therefore the suitability of the licence holder regardless of the outcome of the initial allegation.

### Referrals to the Disclosure and Barring Service and the Police

- 4.14 In some circumstances it may be appropriate under the Safeguarding Vulnerable Groups Act 2006 for licensing authorities to make referrals to the DBS. **A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, should be referred to the DBS.** The power for the licensing authority to make a referral in this context arises from the undertaking of a safeguarding role. Further guidance has been provided by the [DBS](#).

- 4.15 The Department recommends that licensing authorities should make a referral to the DBS when it is thought that:

- an individual has harmed or poses a risk of harm to a child or vulnerable adult;
- an individual has satisfied the '[harm test](#)'; or
- received a caution or conviction for a relevant offence and;
- the person they are referring is, has or might in future be working in regulated activity;

if the above conditions are satisfied, the DBS may consider it appropriate for the person to be added to a barred list.

- 4.16 These referrals may result in the person being added to a barred list and enable other licensing authorities to consider this should further applications to other authorities be made. Further information on referrals to DBS is [available](#).



## Working with the Police

- 4.17 The police are an invaluable source of intelligence when assessing whether a licensing applicant is a 'fit and proper' person. It is vital that licensing authorities have a partnership with the police service to ensure that appropriate information is shared as quickly as possible. As part of building an effective working relationship between the licensing authority and the police, **action taken by the licensing authority as a result of information received should be fed-back to the police.** Increasing the awareness among police forces of the value licensing authorities place on the information received, particularly on non-conviction intelligence, will assist furthering these relationships and reinforce the benefits of greater sharing of information.
- 4.18 This relationship can be mutually beneficial, assisting the police to prevent crime. The police can gain valuable intelligence from drivers and operators, for example, the identification of establishments that are selling alcohol to minors or drunks, or the frequent transportation of substance abusers to premises.
- 4.19 To aid further the quality of the information available to all parties that have a safeguarding duty, a revocation or refusal on public safety grounds should also be advised to the police.

## Sharing licensing information with other licensing authorities

- 4.20 As has been stated elsewhere in this document, obtaining the fullest information minimises the doubt as to whether an applicant or licensee is 'fit and proper'. An obvious source of relevant information is any previous licensing history. **Applicants and licensees should be required to disclose if they hold or have previously held a licence with another authority. An applicant should also be required to disclose if they have had an application for a licence refused, or a licence revoked or suspended by any other licensing authority.** Licensing authorities should explicitly advise on their application forms that making a false statement or omitting to provide the information requested may be a criminal offence.
- 4.21 The LGA's Councillors' [Handbook on taxi and private hire vehicle licensing](#) advises that those responsible for licensing should "*communicate regularly with licensing committees and officers in neighbouring councils to ensure critical information is shared and that there is a consistency and robustness in decision-making. By working together, local government can make sure that this vital service is safe, respected, and delivering for local communities.*". While this approach may aid consistency and robustness in decision-making within regions, it has obvious inherent limitations as it is unlikely such protocols could be established between all licensing authorities. The LGA commissioned the National Anti-Fraud Network to develop a national register of taxi and private hire vehicle driver licence refusals and revocations (the register is known as 'NR3'). **Tools such as NR3 should be used by licensing authorities to share information on a more consistent basis to mitigate the risk of non-disclosure of relevant information by applicants.**

- 4.22 For these processes to be beneficial, all licensing authorities must keep a complete and accurate record as to the reasons for refusal, suspension or revocation of a licence in order that this might be shared if requested and appropriate to do so.
- 4.23 Data protection legislation provides exemption from the rights of data subjects for the processing of personal data in connection with regulatory activities. This includes taxi and private hire vehicle licensing. The exemption applies only to information processed for the core regulatory activities of appropriate organisations; it may not be used in a blanket manner. The exemption applies only to the extent that the application of the rights of data subjects to the information in question would be likely to prejudice the proper discharge of the regulatory functions. The Information Commissioner's Office has published [guidance](#) to assist organisations to fully understand their obligations and suggest good practice.
- 4.24 If notification under paragraph 4.20 or 4.21 of a refused or revoked licence is disclosed, the relevant licensing authority should be contacted to establish when the licence was refused, suspended or revoked and the reasons why. In those circumstances, the relevant licensing authority must consider whether it should disclose any information in relation to the previous decision, consistent with its obligations under data protection legislation. If information is disclosed, it can then be taken into account in determining the applicant's fitness to be licensed. The relevance of the reason for refusing/revoking a licence must be considered. For example, if any individual was refused a licence for failing a local knowledge test, it does not have any safeguarding implications. Conversely, a revocation or refusal connected to indecency would. Licensing authorities should not simply replicate a previous decision, authorities must consider each application on its own merits and with regard to its own policies.
- 4.25 Should a licensing authority receive information that a licence holder did not disclose the information referred to in paragraph 4.20, for example by checking the NR3 register, the authority should consider whether the non-disclosure represents dishonesty and should review whether the licence holder remains 'fit and proper'.

### **Multi-agency Safeguarding Hub (MASH)**

- 4.26 Multi-Agency Safeguarding Hubs are a way to improve the safeguarding response for children and vulnerable adults through better information sharing and high quality and timely safeguarding responses. MASHs (or similar models) should operate on three common principles: information sharing, joint decision making and coordinated intervention.
- 4.27 The Home Office report on [Multi Agency Working and Information Sharing](#) recommended that effective multi-agency working still needs to become more widespread. The Children's Commissioner's 2013 [Inquiry into Child Sexual Exploitation in Gangs and Groups](#) found that both police and local authorities still identified the inability to share information as a key barrier to safeguarding children from sexual abuse and exploitation.

4.28 All licensing authorities should operate or establish a means to facilitate the objectives of a MASH (i.e. the sharing of necessary and relevant information between stakeholders). As has been emphasised throughout this document, one of the most effective ways to minimise the risk to children and vulnerable adults when using taxis and private hire vehicles is to ensure that decisions on licensing individuals are made with the fullest knowledge possible.

### Complaints against licensees

4.29 Complaints about drivers and operators provide a source of intelligence when considering the renewal of a licence or to identify problems during the period of the licence. Patterns of behaviour such as complaints against drivers, even when they do not result in further action in response to an individual complaint, may be indicative of characteristics that raise doubts over the suitability to hold a licence. **All licensing authorities should have a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees.** Such a system will help authorities to build a fuller picture of the potential risks an individual may pose and may tip the 'balance of probabilities' assessment that licensing authorities must take.

4.30 Licensees with a high number of complaints made against them should be contacted by the licensing authority and concerns raised with the driver and operator (if appropriate). Further action in terms of the licence holder must be determined by the licensing authority, which could include no further action, the offer of training, a formal review of the licence, or formal enforcement action.

4.31 To ensure that passengers know who to complain to, licensing authorities should produce guidance for passengers on making complaints directly to the licensing authority that should be available on their website. Ways to make complaint to the authority should be displayed in all licensed vehicles. This is likely to result in additional work for the licensing authority but has the advantage of ensuring consistency in the handling of complaints. Currently, it is more likely that a complaint against a taxi driver would be made directly to the licensing authority whereas a complaint against a private hire vehicle driver is more likely to be made to the operator. An effective partnership in which operators can share concerns regarding drivers is also encouraged.

4.32 Importantly, this approach will assist in the directing of complaints and information regarding the behaviour of drivers who may be carrying a passenger outside of the area in which the driver is licensed to the authority that issued the licence. In order for this to be effective licensing authorities must ensure that drivers are aware of a requirement to display information on how to complain and take appropriate sanctions against those that do not comply with this requirement.

4.33 In terms of investigating complaints CCTV footage of an incident can provide an invaluable insight, providing an 'independent witness' to an event. This can assist in the decision whether to suspend or revoke a licence. The potential benefits of mandating CCTV in vehicles is discussed in paragraphs 7.7 - 7.12.

### Overseas convictions

- 4.34 The DBS cannot access criminal records held overseas, only foreign convictions that are held on the Police National Computer may, subject to the disclosure rules, be disclosed. Therefore, a DBS check may not provide a complete picture of an individual's criminal record where there have been periods living or working overseas; the same applies when an applicant has previously spent an extended period (three or more continuous months) outside the UK. It should however be noted that some countries will not provide an 'Certificate of Good Character' unless the individual has been resident for six months or more
- 4.35 Licensing authorities should seek or require applicants to provide where possible criminal records information or a 'Certificate of Good Character' from overseas in this circumstance to properly assess risk and support the decision-making process (. It is the character of the applicant as an adult that is of particular interest, therefore an extended period outside the UK before the age of 18 may be less relevant. As with all licensing decisions, each case must be considered on its own merits. For information on applying for overseas criminal record information or 'Certificates of Good Character' please see the Home Office [guidance](#).
- 4.36 Where an individual is aware that they have committed an offence overseas which may be equivalent to those listed in the annex to this document (Annex – Assessment of previous convictions), licensing authorities should advise the applicant to seek independent expert or legal advice to ensure that they provide information that is truthful and accurate.

## 5. Decision Making

### Administration of the licensing framework

- 5.1 A policy is only effective if it is administered properly. The taxi and private hire vehicle licensing functions of local councils are non-executive functions i.e. they are functions of the council rather than the executive (such as the Cabinet). The functions include the determination of licence applications, reviews and renewals, along with the attachment of conditions when considered appropriate. The function may be delegated to a committee, a sub-committee or an officer – which should be set out within a clear scheme of delegation. In London the taxi and private hire vehicle licensing function is undertaken by Transport for London.
- 5.2 Licensing authorities should ensure that all individuals that determine whether a licence is issued or refused are adequately resourced to allow them to discharge the function effectively and correctly.

### Training decision makers

- 5.3 **All individuals that determine whether a licence is issued should be required to undertake sufficient training.** As a minimum, training for a member of a licensing committee should include: licensing procedures, natural justice, understanding the risks of CSAE, disability and equality awareness and the making of difficult and potentially controversial decisions. Training should not simply relate to procedures, but should include the use of case study material to provide context and real scenarios. All training should be formally recorded by the licensing authority and require a signature from the person that has received the training. Training is available from a number of organisations including the Institute of Licensing and Lawyers in Local Government; the LGA may also be able to assist in the development of training packages.
- 5.4 Public safety is the paramount consideration but the discharge of licensing functions must be undertaken in accordance with the following general principles:
- policies should be used as internal guidance, and should be supported by a member/officer code of conduct.
  - any implications of the Human Rights Act should be considered.
  - the rules of natural justice should be observed.
  - decisions must be reasonable and proportionate.
  - where a hearing is required it should be fairly conducted and allow for appropriate consideration of all relevant factors.
  - decision makers must avoid bias (or even the appearance of bias) and predetermination.
  - data protection legislation.

5.5 When a decision maker has a prejudicial interest in a case, whether it be financial or a personal relationship with those involved they should declare their interest at the earliest opportunity; this must be prior to any discussions or votes and, once declared, they must leave the room for the duration of the discussion or vote.

### The regulatory structure

5.6 It is recommended that councils operate with a Regulatory Committee or Board that is convened at periodic intervals to determine licensing matters, with individual cases being considered by a panel of elected and suitably trained councillors drawn from a larger Regulatory Committee or Board. This model is similar to that frequently adopted in relation to other licensing matters. To facilitate the effective discharge of the functions, less contentious matters can be delegated to appropriately authorised council officers via a transparent scheme of delegation.

5.7 It is considered that this approach also ensures the appropriate level of separation between decision makers and those that investigate complaints against licensees, and is the most effective method in allowing the discharge of the functions in accordance with the general principles referred to in 5.4. In particular, the Committee/Board model allows for:

- Each case to be considered on its own merits. It is rare for the same councillors to be involved in frequent hearings – therefore the councillors involved in the decision making process will have less knowledge of previous decisions and therefore are less likely to be influenced by them. Oversight and scrutiny can be provided in relation to the licensing service generally, which can provide independent and impartial oversight of the way that the functions are being discharged within the authority.
- Clear separation between investigator and the decision maker – this demonstrates independence, and ensures that senior officers can attempt to resolve disputes in relation to service actions without the perception that this involvement will affect their judgement in relation to decisions made at a later date.

5.8 Avoidance of bias or even the appearance of bias is vital to ensuring good decisions are made and instilling and/or maintaining confidence in the licensing regime by passengers and licensees.

5.9 Unlike officers, elected members are not usually involved in the day to day operation of the service and as such do not have relationships with licence holders that may give the impression that the discharge of a function is affected by the relationship between the decision maker and the licence holder.

5.10 Some licensing authorities may decide to operate a system whereby all matters are delegated to a panel of officers; however, this approach is not recommended and caution should be exercised. Decisions must be, and be seen to be, made objectively, avoiding any bias. In addition, it may be more difficult to demonstrate compliance with the principles referred to above due to the close

connection between the officers on the panel, and those involved in the operational discharge of the licensing functions.

- 5.11 Whether the structure proposed is introduced or an alternative model is more appropriate in local circumstances, the objective should remain the same - to separate the investigation of licensing concerns and the management of the licence process. Regardless of which approach is adopted, **all licensing authorities should consider arrangements for dealing with serious matters that may require the immediate revocation of a licence.** It is recommended that this role is delegated to a senior officer/manager with responsibility for the licensing service.

### Fit and proper test

- 5.12 Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a 'fit and proper' person to be a licensee. It may be helpful when considering whether an applicant or licensee is fit and proper to pose oneself the following question:

**Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?**

- 5.13 If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.
- 5.14 Licensing authorities have to make difficult decisions but (subject to the points made in paragraph 5.4) the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

### Criminal convictions and rehabilitation

- 5.15 In considering an individual's criminal record, licensing authorities must consider each case on its merits, but they should take a particularly cautious view of any offences against individuals with special needs, children and other vulnerable groups, particularly those involving violence, those of a sexual nature and those linked to organised crime. In order to achieve consistency, and to mitigate the risk of successful legal challenge, licensing authorities should have a clear policy for the consideration of criminal records. This should include, for example, which offences would prevent an applicant from being licenced regardless of the period elapsed in all but truly exceptional circumstances. In the case of lesser offences, a policy should consider the number of years the authority will require to have elapsed since the commission of particular kinds of offences before they will grant a licence.

- 5.16 Annexed to this document are the Department's recommendations on the assessment of previous convictions (Annex – Assessment of previous convictions). This draws on the work of the Institute of Licensing, in partnership with the LGA, the National Association of Licensing Enforcement Officers (NALEO) and Lawyers in Local Government, in publishing its guidance on determining the suitability of taxi and private hire vehicle licensees.
- 5.17 These periods should be taken as a starting point in considering whether a licence should be granted or renewed in all cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain a licence. Authorities are however reminded that applicants are entitled to a fair and impartial consideration of their application.



## 6. Driver Licensing

### Criminality checks for drivers

- 6.1 Licensing authorities are entitled to request an enhanced criminal record certificate with check of the barred lists from the DBS for all driver licence holders or applicants. The DfT's 2019 [survey of taxi and private hire vehicle licensing authorities](#) shows that all licensing authorities in England and Wales have a requirement that an enhanced DBS check is undertaken at first application or renewal.
- 6.2 All individuals applying for or renewing a taxi or private hire vehicle drivers licence licensing authorities should carry out a check of the children and adult Barred Lists in addition to being subject to an enhanced DBS check (in section x61 of the DBS application 'Other Workforce' should be entered in line 1 and 'Taxi Licensing' should be entered at line 2). All licensed drivers should also be required to evidence continuous registration with the DBS update service to enable the licensing authority to routinely check for new information every six months. Drivers that do not subscribe up to the Update Service should still be subject to a check every six months.
- 6.3 Driving a taxi or private hire vehicle is not, in itself, a regulated activity for the purposes of the barred list. This means that an individual subject to barring would not be legally prevented from being a taxi or private hire vehicle driver but the licensing authority should take an individual's barred status into account alongside other information available. **In the interests of public safety, licensing authorities should not, as part of their policies, issue a licence to any individual that appears on either barred list.** Should a licensing authority consider there to be exceptional circumstances which means that, based on the balance of probabilities they consider an individual named on a barred list to be 'fit and proper', the reasons for reaching this conclusion should be recorded.
- 6.4 Drivers working under an arrangement to transport children may be working in 'regulated activity' as defined by the [Safeguarding Vulnerable Groups Act 2006](#). It is an offence to knowingly allow a barred individual to work in regulated activity. The [guidance on home-to-school travel and transport](#) issued by the Department for Education should be considered alongside this document. Please see [guidance](#) on driver DBS eligibility and how to apply.

### Safeguarding awareness

- 6.5 Licensing authorities should consider the role that those in the taxi and private hire vehicle industry can play in spotting and reporting the abuse, exploitation or neglect of children and vulnerable adults. As with any group of people, it is overwhelmingly the case that those within the industry can be an asset in the detection and prevention of abuse or neglect of children and vulnerable adults. However, this is only the case if they are aware of and alert to the signs of potential abuse and know where to turn to if they suspect that a child or vulnerable adult is at risk of harm or is in immediate danger.

6.6 All licensing authorities should provide safeguarding advice and guidance to the trade and should require taxi and private hire vehicle drivers to undertake safeguarding training. This is often produced in conjunction with the police and other agencies. These programmes have been developed to help drivers and operators:

- provide a safe and suitable service to vulnerable passengers of all ages;
- recognise what makes a person vulnerable; and
- understand how to respond, including how to report safeguarding concerns and where to get advice.

6.7 Since 2015, the Department for Education (DfE) has run a nationwide campaign – *‘Together, we can tackle child abuse’* which aims to increase public understanding of how to recognise the signs to spot and encourage them to report child abuse and neglect. The DfE continues to promote and raise awareness of the campaign materials through its [online toolkit](#), for local authorities, charities and organisations for use on their social media channels.

### **‘County lines’ exploitation**

6.8 County lines is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs (primarily crack cocaine and heroin) into one or more importing areas [within the UK], using dedicated mobile phone lines or other form of “deal line”.

6.9 Exploitation is an integral part of the county lines offending model with children and vulnerable adults exploited to transport (and store) drugs and money between locations. Children aged between 15-17 make up the majority of the vulnerable people involved in county lines, but they may also be much younger. We know that both girls and boys are groomed and exploited and offenders will often use coercion, intimidation, violence (including sexual violence) and weapons to ensure compliance of victims. Children exploited by county lines gangs may have vulnerabilities besides their age, such as broader mental health issues, disrupted or chaotic homes, substance misuse issues, being excluded from school or frequently going missing.

6.10 The National Crime Agency’s 2018 county lines threat assessment set out that the national road network is key to the transportation of county lines victims, drugs and cash; with hire vehicles being one of the methods used for transportation between locations.

6.11 Safeguarding awareness training should include the ways in which drivers can help to identify county lines exploitation. Firstly, they should be aware of the following warning signs:

- Children and young people travelling in taxis or private hire vehicles alone;

- travelling at unusual hours (during school time, early in the morning or late at night);
- travelling long distances;
- unfamiliar with the local area or do not have a local accent;
- paying for journeys in cash or prepaid.

6.12 The Home Office is working with partners to raise awareness of county lines and has provided [material](#) to help taxi and private vehicle hire staff to identify victims and report concerns to protect those exploited through this criminal activity.

6.13 Drivers (or any person) should be aware of what to do if they believe a child or vulnerable person is at risk of harm. If the risk is immediate they should contact the police otherwise they should:

- use the local safeguarding process, the first step of which is usually to contact the safeguarding lead within the local authority;
- call Crime Stoppers on 0800 555 111.

### Language proficiency

6.14 A lack of language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation. Oral proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others.

6.15 A licensing authority's test of a driver's proficiency should cover both oral and written English language skills to achieve the objectives stated above.

## 7. Vehicle Licensing

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

### Criminality checks for vehicle proprietors

7.2 Enhanced DBS and barred list checks are not available for vehicle licensing. **Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the ‘fit and proper’ threshold.

7.3 However, it is important that authorities acknowledge that in many cases individuals that license a vehicle may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking to licence a vehicle to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately.

7.4 A refusal to license an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a vehicle or private hire vehicle operator licence; these decisions must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant’s full consent has been given.

7.5 Private hire vehicle operator and vehicle licences may be applied for by a company or partnership; licensing authorities should apply the ‘fit and proper’ test to each of the directors or partners in that company or partnership. For this to be effective private hire vehicle operators and those to whom a vehicle licence should be required to advise the licensing authority of any change in directors or partners.

7.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas so other checks must be considered where and applicant has lived or worked overseas (see paragraph 4.34 - 4.36).

### **In-vehicle visual and audio recording – CCTV**

7.7 Government has acknowledged the potential risk to public safety when passengers travel in taxis and private hire vehicles. It is unfortunately the case that no matter how complete the information available to licensing authorities is when assessing whether to issue any taxi or private hire vehicle licence, nor how robust the policies in place are and the rigor with which they are applied, it will never completely remove the possibility of harm to passengers by drivers.

7.8 The Department's view is that CCTV can provide additional deterrence to prevent this and investigative value when it does. The use of CCTV can provide a safer environment for the benefit of taxi/private hire vehicle passengers and drivers by:

- deterring and preventing the occurrence of crime;
- reducing the fear of crime;
- assisting the police in investigating incidents of crime;
- assisting insurance companies in investigating motor vehicle accidents.

7.9 All licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues.

7.10 While only a small minority of licensing authorities have so far mandated all vehicles to be fitted with CCTV systems, the experience of those authorities that have has been positive for both passengers and drivers. In addition, the evidential benefits of CCTV may increase the level of reporting of sexual offences. According to the [Crime Survey for England and Wales](#) only 17 percent of victims report their experiences to the police, 28 percent of rape or sexual assault victims indicated that a fear they would not be believed as a factor in them not reporting the crime. The evidential benefits CCTV could provide are therefore an important factor when considering CCTV in vehicles.

7.11 The mandating of CCTV in vehicles may deter people from seeking a taxi or private hire vehicle licence with the intent of causing harm. Those that gain a licence and consider perpetrating an opportunistic attack against a vulnerable unaccompanied passenger may be deterred from doing so. It is however unfortunately the case that offences may still occur even with CCTV operating.

7.12 CCTV systems that are able to record audio as well as visual data may also help the early identification of drivers that exhibit inappropriate behaviour toward passengers. Audio recording should be both overt (i.e. all parties should be aware when recordings are being made) and targeted (i.e. only when passengers (or

drivers) consider it necessary). The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button.

- 7.13 Imposition of a blanket requirement to attach CCTV as a condition to a licence is likely to give rise to concerns about the proportionality of such an approach and will therefore require an appropriately strong justification and must be kept under regular review. More information and guidance on assessing the impacts of CCTV and on an authority mandating CCTV is annexed to this document (Annex – CCTV guidance).

### Stretched Limousines

- 7.14 Licensing authorities are sometimes asked to license small (those constructed or adapted to carry fewer than nine passengers) limousines as private hire vehicles, these vehicles may be used for transport to 'school proms' as well as for adult bookings. It is suggested that licensing authorities should approach such requests on the basis that these vehicles – where they have fewer than nine passenger seats - have a legitimate role to play in the private hire trade, meeting a public demand. It is the Department's view that it is not a legitimate course of action for licensing authorities to adopt policies that exclude limousines as a matter of principle thereby excluding these services from the scope of the private hire vehicle regime and the safety benefits this provides. A blanket policy of excluding limousines may create an unacceptable risk to the travelling public, as it may lead to higher levels of unsupervised operation. Public safety considerations are best supported by policies that allow respectable, safe operators to obtain licences on the same basis as other private hire vehicle operators.
- 7.15 Stretched large limousines which clearly seat more than eight passengers should not be licensed as private hire vehicles because they are outside the licensing regime for private hire vehicles. However, in some circumstances a vehicle with space for more than eight passengers can be licensed as a private hire vehicle where the precise number of passenger seats is hard to determine. In these circumstances, the authority should consider the case on its merits in deciding whether to license the vehicle under the strict condition that the vehicle will not be used to carry more than eight passengers, bearing in mind that refusal may encourage illegal private hire operation.

## 8. Private Hire Vehicle Operator Licensing

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

### Criminality checks for private hire vehicle operators

8.2 Enhanced DBS and barred list checks are not available for private hire vehicle operator licensing. **Licensing authorities should request a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the 'fit and proper' threshold.

8.3 However, it is important that authorities acknowledge that in many cases individuals that license as a private hire vehicle operator may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking a private hire vehicle operator licence to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately

8.4 Refusal to license an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a private hire vehicle operator licence; this decision must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

8.5 A private hire vehicle operator licence may be applied for by a company or partnership; licensing authorities should apply the 'fit and proper' test to each of the directors or partners in that company or partnership. For this to be effective

private hire vehicle operators should be required to advise the licensing authority of any change in directors or partners.

- 8.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas. Further information on assessing the suitability of those that have spent extended periods in overseas is provided in paragraphs 4.34 - 4.36.

### Booking and dispatch staff

- 8.7 Private hire vehicle drivers are not the only direct contact that private hire vehicle users have with private hire vehicle operators' staff, for example a person taking bookings (be it by phone or in person). A vehicle dispatcher decides which driver to send to a user, a position that could be exploited by those seeking to exploit children and vulnerable adults. It is therefore appropriate that all staff that have contact with private hire vehicle users and the dispatching of vehicles should not present an undue risk to the public or the safeguarding of children and vulnerable adults.
- 8.8 Licensing authorities should be satisfied that private hire vehicle operators can demonstrate that all staff that have contact with the public and/or oversee the dispatching of vehicles do not pose a risk to the public. **Licensing authorities should, as a condition of granting an operator licence, require a register of all staff that will take bookings or dispatch vehicles is kept.**
- 8.9 Operators should be required to evidence that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff and to ensure that Basic DBS checks are conducted on any individuals added to the register and that this is compatible with their policy on employing ex-offenders. DBS certificates provided by the individual should be recently issued when viewed, alternatively the operator could use a '[responsible organisation](#)' to request the check on their behalf. When individuals start taking bookings and dispatching vehicles for an operator they should be required, as part of their employment contract, to advise the operator of any convictions while they are employed in this role.
- 8.10 The register should be a 'living document' that maintains records of all those in these roles for the same duration as booking records are required to be kept, this will enable cross-referencing between the two records. A record that the operator has had sight of a basic DBS check certificate (although the certificate itself should not be retained) should be retained for the duration that the individual remains on the register. Should an employee cease to be on the register and later re-entered, a new basic DBS certificate should be requested and sight of this recorded.
- 8.11 Operators may outsource booking and dispatch functions but they cannot pass on the obligation to protect children and vulnerable adults. Operators should be required to evidence that comparable protections are applied by the company to which they outsource these functions.



8.12 Licensing authorities should also require operators or applicants for a licence to provide their policy on employing ex-offenders in roles that would be on the register as above. As with the threshold to obtaining a private hire vehicle operators' licence, those with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, may not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car.

## Record keeping

8.13 Section 56 of the [Local Government \(Miscellaneous Provisions\) Act 1976](#) requires private hire vehicle operators to keep records of the particulars of every booking invited or accepted, whether it is from the passenger or at the request of another operator. **Licensing authorities should as a minimum require private hire vehicle operators to record the following information for each booking:**

- the name of the passenger;
- the time of the request;
- the pick-up point;
- the destination;
- the name of the driver;
- the driver's licence number;
- the vehicle registration number of the vehicle;
- the name of any individual that responded to the booking request;
- the name of any individual that dispatched the vehicle.

8.14 This information will enable the passenger to be traced if this becomes necessary and should improve driver security and facilitate enforcement. It is suggested that booking records should be retained for a minimum of six months.

8.15 Private hire vehicle operators have a duty under data protection legislation to protect the information they record. The Information Commissioner's Office provides comprehensive on-line guidance on registering as a data controller and how to meet their obligations.

## Use of passenger carrying vehicles (PCV) licensed drivers

8.16 PCV licensed drivers are subject to different checks from taxi and private hire vehicle licensed drivers as the work normally undertaken, i.e. driving a bus, does not present the same risk to passengers. Members of the public are entitled to expect when making a booking with a private hire vehicle operator that they will receive a private hire vehicle licensed vehicle and driver. **The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such**

**as a minibus to undertake a private hire vehicle booking should not be permitted as a condition of the private hire vehicle operator's licence without the informed consent of the booker.**

- 8.17 Where a private hire vehicle is unsuitable, for example where a larger vehicle is needed because more than eight passenger seats required or to accommodate luggage, the booker should be informed that a PSV is necessary, and that a PCV licenced driver will be used who is subject to different checks and not required to have an enhanced DBS check.

## 9. Enforcing the Licensing Regime

9.1 Implementing an effective framework for licensing authorities to ensure that as full a range of information made available to suitably trained decision makers that are supported by well-resourced officials is essential to a well-functioning taxi and private hire vehicle sector. These steps will help prevent the licensing of those that are not deemed 'fit and proper' but does not ensure that those already licensed continue to display the behaviours and standards expected.

### Joint authorisation of enforcement officers

9.2 Licensing authorities should, where the need arises, jointly authorise officers from other authorities so that compliance and enforcement action can be taken against licensees from outside their area. An agreement between licensing authorities to jointly authorise officers enables the use of enforcement powers regardless of which authority within the agreement the officer is employed by and which issued the licence. This will mitigate the opportunities for drivers to evade regulation. Such an agreement will enable those authorities to take action against vehicles and drivers that are licensed by the other authority when they cross over boundaries. A model for agreeing joint authorisation is contained in the [LGA Councillors' handbook](#).

### Setting expectations and monitoring

9.3 Licensing authorities should ensure that drivers are aware of the policies that they must adhere and are properly informed of what is expected of them and the repercussions for failing to do so. Some licensing authorities operate a points-based system, which allows minor breaches to be recorded and considered in context while referring those with persistent or serious breaches to the licensing committee. This has the benefit of consistency in enforcement and makes better use of the licensing committee's time.

9.4 The provision of a clear, simple and well-publicised process for the public to make complaints about drivers and operators will enable authorities to target compliance and enforcement activity (see paragraphs 4.29 - 4.33). This will provide a further source of intelligence when considering the renewal of licences and of any additional training that may be required. It is then for the licensing authority to consider if any intelligence indicates a need to suspend or revoke a licence in the interests of public safety.

### Suspension and revocation of driver licences

9.5 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 provides a licensing authority with the ability to suspend or revoke a driver's licence on the following grounds: -

(a) that he has since the grant of the licence—

- (i) been convicted of an offence involving dishonesty, indecency or violence; or
- (ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act;
- (aa) that he has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty; or
- (b) any other reasonable cause

9.6 Licensing authorities have the option to suspend or revoke a licence should information be received that causes concern over whether a driver is a fit and proper person. Where the licence holder has been served an immigration penalty or convicted of an immigration offence the licence should be revoked immediately. [Guidance for licensing authorities](#) to prevent illegal working in the taxi and private hire vehicle sector has been issued by the Home Office. As with the initial decision to license a driver, this determination must be reached based on the balance of probabilities, not on the burden of beyond reasonable doubt.

9.7 Before any decision is made, the licensing authority must give full consideration to the available evidence and the driver should be given the opportunity to state his or her case. If a period of suspension is imposed, it cannot be extended or changed to revocation at a later date.

9.8 A decision to revoke a licence does not however prevent the reissuing of a licence should further information be received that alters the balance of probability of a decision previously made. The decision to suspend or revoke was based on the evidence available at the time the determination was made. New evidence may, of course, become available later.

9.9 New evidence may be produced at an appeal hearing that may result in the court reaching a different decision to that reached by the council or an appeal may be settled by agreement between the licensing authority and the driver on terms which, in the light of new evidence, becomes the appropriate course. If, for example, the allegations against a driver were now, on the balance of probability, considered to be unfounded, a suspension could be lifted or, if the licence was revoked, an expedited re-licensing process used.

9.10 A suspension may still be appropriate if it is believed that a minor issue can be addressed through additional training. In this instance the licence would be returned to the driver once the training has been completed without further consideration. This approach is clearly not appropriate where the licensing authority believes that, based on the information available at that time, on the balance of probability it is considered that the driver presents a risk to public safety.

## Annex – Assessment of Previous Convictions

Legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is 'fit and proper' to hold a taxi or private hire vehicle licence. The following recommendations to licensing authorities on previous convictions reflect this.

**Authorities must consider each case on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application.** Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.

### Crimes resulting in death

Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

### Exploitation

Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

### Offences involving violence against the person

Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

### Possession of a weapon

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

### Sexual offences

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

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

### Dishonesty

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

## Drugs

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.

## Discrimination

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

## Motoring convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.

## Drink driving/driving under the influence of drugs

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

## Using a hand-held device whilst driving

Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

## Annex – Disclosure and Barring Service information

Table 1: Information included in criminal record checks

Information included	Type of check			
	Basic check	Standard DBS check	Enhanced DBS check	Enhanced DBS (including barred list) check
Unspent convictions	Yes	Yes	Yes	Yes
Unspent cautions <sup>1</sup>	Yes	Yes	Yes	Yes
Spent convictions <sup>2</sup>	No	Yes	Yes	Yes
Spent cautions <sup>1 &amp; 2</sup>	No	Yes	Yes	Yes
Additional police Information <sup>3</sup>	No	No	Yes	Yes
Barred list(s) Information <sup>4</sup>	No	No	No	Yes

1. Does not include fixed penalty notices, penalty notices for disorder or any other police or other out-of-court disposals.
2. Spent convictions and cautions that have become protected under the Rehabilitation of Offenders Act 1974 (Exceptions Order) 1975, as amended, are not automatically disclosed on any level of certificate. Further guidance is available [the DBS filtering guide](#).
3. This is any additional information held by the police which a chief police officer reasonably believes to be relevant and considers ought to be disclosed.
4. This is information as to whether the individual concerned is included in the children's or adults' barred lists maintained by the Disclosure and Barring Service (DBS).

## Annex – CCTV Guidance

It is important to note that, in most circumstances, a licensing authority which mandates the installation of CCTV systems in taxis and private hire vehicles will be responsible for the data – the data controller. It is important that data controllers fully consider concerns regarding privacy and licensing authorities should consider how systems are configured, should they mandate CCTV (with or without audio recording). For example, vehicles may not be exclusively used for business, also serving as a car for personal use - it should therefore be possible to manually switch the system off (both audio and visual recording) when not being used for hire. Authorities should consider the Information Commissioner's view on this matter that, in most cases, a requirement for continuous operation is unlikely to be fair and lawful processing of personal data.

The Home Office '[Surveillance Camera Code of Practice](#)' advises that government is fully supportive of the use of overt surveillance cameras in a public place whenever that use is:

- in pursuit of a legitimate aim;
- necessary to meet a pressing need;
- proportionate;
- effective, and;
- compliant with any relevant legal obligations

The Code also sets out 12 guiding principles which, as a 'relevant authority' under section 33(5) of the [Protection of Freedoms Act 2012](#), licensing authorities must have regard to. It must be noted that, where a licence is granted subject to CCTV system conditions, the licensing authority assumes the role and responsibility of 'System Operator'. The role requires consideration of all guiding principles in this code. The failure to comply with these principles may be detrimental to the use of CCTV evidence in court as this may be raised within disclosure to the Crown Prosecution Service and may be taken into account.

The Surveillance Camera Commissioner (SCC) has provided guidance on the Surveillance Camera Code of Practice in its '[Passport to Compliance](#)' which provides guidance on the necessary stages when planning, implementing and operating a surveillance camera system to ensure it complies with the code. The Information Commissioner's Office (ICO) has also published a [code of practice](#) which, in this context, focuses on the data governance requirement associated with the use of CCTV such as data retention and disposal, which it is important to follow in order to comply with the data protection principles. The SCC provides a [self-assessment tool](#) to assist operators to ensure compliance with the principles set out in the Surveillance Camera Code of Practice. The SCC also operate a [certification scheme](#); authorities that obtain this accreditation are able to clearly demonstrate that their systems conform to the SCC's best practice and are fully compliant with the Code and increase public confidence that any risks to their privacy have been fully considered and mitigated.

The [Data Protection Act 2018](#) regulates the use of personal data. Part 2 of the Data Protection Act applies to the general processing of personal data, and references and supplements the General Data Protection Regulation. Licensing authorities, as data controllers, must comply with all relevant aspects of data protection law. Particular attention should be paid to the rights of individuals which include the right to be informed, of access



and to erasure. The ICO has provided detailed [guidance](#) on how data controllers can ensure compliance with these.

It is a further requirement of data protection law that before implementing a proposal that is likely to result in a high risk to the rights and freedoms of people, an impact assessment on the protection of personal data shall be carried out. The ICO recommends in [guidance](#) that if there is any doubt as to whether a Data Protection Impact Assessment (DPIA) is required one should be conducted to ensure compliance and encourage best practice. A DPIA will also help to assess properly the anticipated benefits of installing CCTV (to passengers and drivers) and the associated privacy risks; these risks might be mitigated by having appropriate privacy information and signage, secure storage and access controls, retention policies, training for staff how to use the system, etc.

It is essential to ensure that all recordings made are secure and can only be accessed by those with legitimate grounds to do so. This would normally be the police if investigating an alleged crime or the licensing authority if investigating a complaint or data access request. Encryption of the recording to which the licensing authority, acting as the data controller, holds the key, mitigates this issue and protects against theft of the vehicle or device. It is one of the guiding principles of data protection legislation, that personal data (including in this context, CCTV recordings and other potentially sensitive passenger information) is handled securely in a way that 'ensures appropriate security', including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

All passengers must be made fully aware if CCTV is operating in a vehicle. Given that audio recording is considered to be more privacy intrusive, it is even more important that individuals are fully aware and limited only to occasions when passengers (or drivers) consider it necessary. The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button. As well as clear signage in vehicles, information on booking systems should be introduced. This might be text on a website, scripts or automated messages on telephone systems; the Information Commissioner's Office (ICO) has issued guidance on privacy information and the right to be informed on its website.

## Annex - Staying Safe: Guidance for Passengers

Licensing authorities should provide guidance to assist passengers in identifying licensed vehicles and the increased risks of using unlicensed vehicles. The guidance might include advice on:

- how to tell if a taxi or private hire vehicle is licensed.

Educate the public in the differences between taxis and private hire vehicles e.g.:

- a taxi can be flagged down or pre-booked.
- a private hire vehicle that has not been pre-booked should not be used as it will not be insured and may not be licensed.
- what a private hire vehicle should look like e.g. colour, signage, licence plates etc.
- the benefit of pre-booking a return vehicle before going out.
- arrange to be picked up from a safe meeting point.
- requesting at the time of booking what the fare is likely to be.

When using a private hire vehicle, passengers should always:

- book with a licensed operator.
- confirm their booking with the driver when s/he arrives.
- note the licence number.
- sit in the back, behind the driver.
- let a third party know details of their journey.

When using a taxi, passengers should where possible:

- use a taxi rank and choose one staffed by taxi marshals if available.



**Broxtowe  
Borough  
COUNCIL**

**DRAFT**

**HACKNEY CARRIAGE AND  
PRIVATE HIRE  
LICENSING  
POLICY**

**December 2020**

Approved Licensing and Appeals Committee 13<sup>th</sup> June 2017  
Amended Licensing and Appeals Committee 26<sup>th</sup> September 2017  
Amended Licensing and Appeals Committee 12 March 2019

## TABLE OF CONTENTS

	<b>Page</b>	
<b>Section 1</b>	<b>Introduction</b>	<b>4</b>
<b>Section 2</b>	<b>Application of the Policy and Definitions</b>	<b>4</b>
	2.1 Application	
	2.2 Definitions	
<b>Section 3</b>	<b>Licensing Aims and Objectives</b>	<b>6</b>
<b>Section 4</b>	<b>Delegations</b>	<b>8</b>
<b>Section 5</b>	<b>Hackney Carriage and Private Hire Driver Requirements</b>	<b>8</b>
	5.1 Introduction	
	5.2 Application Process	
	5.3 Fit and Proper Person Test	
	5.4 Disclosure and Barring Service and DVLA Checks	
	5.5 Relevant Convictions Policy	
	5.6 Knowledge and Driving Test	
	5.7 Medical Assessment	
	5.8 Duration of Licence	
	5.9 Safeguarding and Vulnerability Training	
	5.10 Conditions	
	5.11 Dress Code	
	5.12 Right of Driver to Work in the UK	
	5.13 Driver Responsibility	
	5.14 Driver Hours	
	5.15 Equality Act 2010 Offences	
<b>Section 6</b>	<b>Hackney Carriage and Private Hire Vehicles</b>	<b>15</b>
	6.1 Application Process	
	6.2 Grant and Renewal of Licence	
	6.3 Vehicle Age and Emissions	
	6.4 Insurance	
	6.5 Vehicle Specification	
	6.6 Conditions	
	6.7 Identification of Vehicles	
	6.8 Fire Extinguishers and First Aid Kits	
	6.9 Tyres	
	6.10 Accidents	
	6.11 Vehicle Examination and Testing Requirements	
	6.12 Meters	
	6.13 Advertisements on Vehicles	
	6.14 Additional Provisions for Hackney Carriages	
	6.15 Taxi Ranks	
<b>Section 7</b>	<b>Fares</b>	<b>20</b>
	7.1 Hackney Carriages	
	7.2 Private Hire Vehicles	

<b>Section 8</b>	<b>Private Hire Operators</b>	<b>21</b>
	8.1 Introduction	
	8.2 Application Process	
	8.3 Fitness and Propriety of Applicants	
	8.4 Convictions	
	8.5 Licences	
	8.6 Safeguarding Training	
	8.7 Conditions	
	8.8 Right to Work in the UK	
	8.9 Operator Responsibility	
	8.10 Planning Permission	
	8.11 Insurance	
	8.12 Trading Name	
	8.13 Door Signs and Advertising	
	8.14 Complaints/Records	
	8.15 Exemptions	
	8.16 Duties Under the Equality Act	
<b>Section 9</b>	<b>Fees</b>	<b>29</b>
	9.1 Fees	
<b>Section 10</b>	<b>Communication and Information Security</b>	<b>29</b>
	10.1 Personal Information	
	10.2 Radios	
	10.3 CCTV	
<b>Section 11</b>	<b>Compliance and Enforcement</b>	<b>30</b>
	11.1 Enforcement	
	11.2 Suspension or Revocation of a Licence	
	11.3 Refusal to Renew a Licence	
	11.4 Prosecution of Licence Holders	
	11.5 Appeals	
	11.6 Service Requests and Complaints	
	11.7 Complaints about the Council	
Appendix A	Hackney Carriage and Private Hire Driver Application	33
Appendix B	Relevant Convictions Policy	34
Appendix C	Code of Conduct When working with Vulnerable Passengers	54
Appendix D	Hackney Carriage and Private Hire Driver Conditions	55
Appendix E	Driver Working Hours.	58
Appendix F	Disclosure and Barring Service (DBS) procedure and Declaration	59
Appendix G	Vehicle Application Process	61
Appendix H	Exceptional Condition Guidance	63
Appendix I	Hackney Carriage and Private Hire Vehicle Specification	64
Appendix J	Vehicle Licence Conditions	68
Appendix K	Licensed Private Hire Operator Conditions	73

## **1. INTRODUCTION**

Broxtowe Borough Council (“the Council”) is responsible for the regulation of the hackney carriage and private hire trade within the Borough of Broxtowe.

The Council recognises the important role that the taxi trade plays in enabling people to travel around the borough and portraying the image of Broxtowe Borough Council to the public.

It is important that hackney carriage and private hire vehicles meet regulatory standards and are able to convey passengers safely and comfortably, ensuring that the customer experience is a positive one.

This policy and related procedures will advise applicants of the standards and requirements that must be met and guide the Council in the way it carries out its licensing functions.

**This policy will be reviewed every 5 years but may be subject to interim reviews should the need arise**

This policy has been developed in consultation with the Nottinghamshire Authorities Licensing Group (NALG), Police, Disabled Persons Transport Advisory Committee, public and the taxi trade.

Consideration has also been given to other relevant legislation and guidance, including:

Guidance on the Rehabilitation of Offenders Act 1974 (March 2014)

Disclosure and Barring Service (DBS) Guidance on Eligibility

Regulators Code 2014

The Department for Transport “Taxi and Private Hire Vehicle Licensing Best Practice Guidance” (March 2010)

**The Department for Transport “Statutory Taxi and Private Hire Standards” July 2020**

The Council will have regard to this policy in carrying out its regulatory function. However, each application and action will be considered on its own merit. Where it is necessary for the authority to depart substantially from its policy, clear and compelling reasons shall be given for doing so.

The policy will be evaluated on a regular basis. Any major changes will be brought to the appropriate committee for approval. Minor changes will be made by the Head of Public Protection in consultation with the appropriate committee Chair. However, a formal review of the policy will be undertaken 5 years after adoption.

## **2. APPLICATION OF THE POLICY AND DEFINITIONS**

### **2.1 Application**

The Local Government (Miscellaneous Provisions) Act 1976, as amended, places on Broxtowe Borough Council, as the Licensing Authority, the duty to carry out its licensing functions in respect of hackney carriages and private hire vehicles, drivers and operators.

This document sets out the policy that the Council will apply when making decisions about new applications and licences currently in force.

This policy applies to:

- Hackney carriages; being a public transport vehicle with no more than 8 passenger seats, which is licensed to ply for hire. This means that it may stand at ranks or be hailed in the street by members of the public;
- Private hire vehicles: licensed as a taxi to carry no more than 8 passenger seats but must be booked in advance by customers through an operator and may not ply for hire in the street;
- Private Hire Operators;
- Hackney carriage and private hire drivers.

In undertaking its licensing function, the Council will have regard to relevant legislation, in particular:

- Town Police Clauses Act 1847 and 1889
- Local Government (Miscellaneous Provisions) Act 1976
- Transport Act 1985 and 2000
- Crime and Disorder Act 1998
- Environmental Protection Act 1990
- Equality Act 2010
- Road Traffic Acts
- Health Act 2006
- Human Rights Act 1998
- **The Department for Transport “Statutory Taxi and Private Hire Standards” July 2020**

The Council will also follow the principles laid out in its adopted enforcement policy in terms of enforcing this policy

## **2.2 Definitions**

In this policy:

- The Council’ means Broxtowe Borough Council
- ‘The Licensing Authority’ means Broxtowe Borough Council
- Authorised Council Officer means any officer of the Council authorised under the Council’s Scheme of Delegation as contained in the Constitution
- ‘This policy’ means Broxtowe Borough Council’s Hackney Carriage and Private Hire Licensing Policy
- ‘Vehicle’ or ‘Licensed Vehicle’ means both a Hackney Carriage and Private Hire vehicle
- ‘Hackney Carriage’ means a vehicle licensed under the Town Police Clauses Act 1847 to ply for hire throughout the district controlled by the Council.
- ‘Private Hire vehicle’ means a vehicle licensed under the Local Government (Miscellaneous Provisions) Act 1976 to carry passengers for hire or reward by prior booking
- ‘Private Hire Operator’ means a person who makes provision for the acceptance of Private Hire bookings to undertake themselves or pass to others to undertake
- The word ‘Taxi’ has no meaning in law and is often used generically to describe both Hackney Carriages and Private Hire vehicles.

- 'Licence plate' or 'the 'plate' means the vehicle licence plate issued to all vehicles and required to be displayed externally at the rear of all licensed vehicles, except if the vehicle is exempt
- 'Pre book sign/transfer' means sign/transfer issued to all Private Hire vehicles to be displayed externally on nearside and offside back doors
- 'DfT' means the Department for Transport, including previous names under which that Department has been known.
- 'DfT Guidance' means the Department for Transport Best Practice Guidance on Taxi and Private Hire vehicle Licensing issued in March 2010
- 'The District' means the geographical region contained within the boundaries of Broxtowe
- 'He', 'his', or 'him' means all references to 'he', 'his', or 'him' expressly also imply the definition of 'she', 'hers', or 'her'
- 'Head of Public Protection' means the current post-holder (or the Head of Service of the appropriate Service Area following any subsequent restructure), or any nominated Deputy authorised by the Council's Scheme of Delegation
- 'The Committee' means the Licensing and Appeals Committee of the Council
- 'Chairman' means the Chair of the Licensing and Appeals Committee
- 'Disability Impact Assessment' means assessments required to ensure compliance with the Equality Act 2010
- 'DVLA (Driver and Vehicle Licensing Agency) driving licence' means a full original GB driving licence
- 'Driver' means a person who has been granted a licence by the Council to drive a Hackney Carriage or a Private Hire Vehicle under Section 46, Town Police Clauses Act 1847 or Section 51, Local Government (Miscellaneous Provisions) Act 1976 respectively.
- 'Proprietor' means the owner of the licensed vehicle – this may not necessarily be the driver of the vehicle
- 'Driver's badge' means, in relation to the driver of a hackney carriage, any badge issued by a district council under byelaws made under section 68 of the Town Police Clauses Act 1847 and, in relation to the driver of a private hire vehicle, any badge issued by a district council under section 54 of the Local Government (Miscellaneous Provisions) Act 1976;
- 'Driver's licence' means, in relation to the driver of a hackney carriage, a licence under section 46 of the Town Police Clauses Act 1847 and, in relation to the driver of a private hire vehicle, a licence under section 51 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.

### **3. LICENSING AIMS AND OBJECTIVES**

The overall aim of hackney carriage and private hire licensing is to protect the public and promote public safety.

The Council will adopt and carry out its hackney carriage and private hire licensing functions with a view to promoting the following objectives:



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

- Raising awareness amongst the licensed trade, and the general public, of issues of safeguarding children and vulnerable adults.
- Operating rules, conditions and disciplinary processes.
- Vetting, qualification, training and monitoring licensees.
- Commitment to work with the police and licensing authorities.
- Ensuring that licence holders treat all customers, passengers, the general public, Council Officers and Councillors with respect and courtesy at all times.
- Enforcement of licence conditions

**The safety and health of the public and drivers by ensuring;**

- The consideration of history of convictions and cautions.
- Appropriate driver training, qualification and performance.
- Drivers have knowledge of the Broxtowe area.
- Health and fitness to fulfil the role of a licensed driver.
- Appropriate vehicle specifications.
- Regular driver medical checks.

**Vehicle safety, comfort and access by;**

- Standards of vehicle comfort and appearance.
- Space standards for vehicles.
- Location of ranks and use of ranks.
- Provision of disabled facilities.

**Encouraging environmental sustainability by;**

- Working with stakeholders in the trade in finding methods of reducing vehicle emissions and not issuing licences for vehicles that are unable to comply with appropriate European Emissions Standards.

In promoting these licensing aims and objectives, the Council will expect to see licence holders and applicants continuously demonstrate that they meet or exceed the standards set by the Council as set out in this policy.

These aims and objectives will be taken into account by the Council when making decisions. It is recognised that the licensing function is only one means of securing the delivery of the above objectives. The Council will therefore continue to work in partnership with licence holders, its neighbouring authorities, the Police, local businesses and local people towards the promotion of the overall aims and objectives.

This policy accords with four of the Council's corporate objectives, namely:

- **Community safety** - Broxtowe will be a place where people feel safe and secure in their communities.
- **Environment** - The environment in Broxtowe will be protected and enhanced for future generations.
- **Business Growth** - New and growing businesses providing more jobs for people in Broxtowe and improved town centres.

- **Health** - People in Broxtowe enjoy longer active and healthy lives.

#### **4.DELEGATIONS**

The Council's Constitution details who is responsible for making decisions on matters relating to taxi licensing.

The Council operates a scheme of delegation where certain powers are delegated to Authorised Officers and Elected Members who sit on the Licensing and Appeals Committee. A copy of the Constitution which contains the scheme of delegation is available on the Council's website or upon request.

#### **5.HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER REQUIREMENTS**

##### **5.1 Introduction**

All drivers must satisfy the Council that they are 'fit and proper persons' to be granted a driver's licence, and they must then remain a fit and proper person for the duration of that licence. The fitness and propriety of a driver will be monitored and if necessary assessed throughout the period that the licence is held.

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

The Council aims to ensure that private hire and hackney carriage services delivered within the Borough are of a good standard. The application and compliance procedures are designed to ensure these standards are maintained, monitored for compliance and appropriately enforced.

The sections below, therefore, apply equally to private hire and hackney carriage drivers unless indicated and the application procedure is set out in Appendix A.

##### **5.2 Application Process**

The Licensing Authority issues licences that enable the driving of both hackney carriages and private hire vehicles.

As part of the application process the applicant should arrange, attend and pass a taxi driving assessment test. The application must include the following:

- Two recent colour passport standard photographs that are a good likeness of the applicant;
- A DVLA driving photo-card (where applicable);
- A valid driving licence check code;
- A completed DBS disclosure with and all the identification documents required as part of the DBS check (unless Appendix B is applicable)
- A certificate of good conduct, if applicable.
- Proof that the applicant is legally permitted to work in the UK –a licence will not be issued for a period longer than the period the applicant is permitted to work.
- Full Group 2 Medical Certificate.
- The safeguarding vulnerable people course certificate.

- Taxi driving assessment test pass certificate
- The application fee
- Any other documentation required to progress your application.

If any issues arise during the processing of the application, in the first instance the applicant will be given an opportunity to provide clarification, or if appropriate to amend the application form.

When all required documents and other information have been received, the application will be determined.

### **5.3 Fit and Proper Person Test**

Licensed drivers are in a position of trust, and therefore must remain fit and proper to hold a licence. This requirement to be fit and proper is contained within Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II).

In order to assess the suitability of an applicant the Licensing Authority will undertake any checks and apply whatever processes it considers necessary to determine whether an applicant is fit and proper to hold a licence and ensure that licences are not issued to, or used by, unsuitable people.

In assessing the suitability of an applicant or licence holder, the Licensing Authority will consider the following factors:

- Criminality including cautions
- Period of holding a driver's licence
- Number of endorsed driving licence penalty points
- Right to work
- Medical fitness
- Standard of driving / driving ability
- General conduct / standards of behaviour (including online behaviour)
- The conduct of the applicant in making the application (e.g. whether they have acted with honesty and integrity during the application process).
- The previous licensing history of existing / former licence holders (including honesty and integrity).
- Theoretical knowledge of issues and matters related to the work of a licensed driver.

In addition, the Licensing Authority may need to verify information or obtain further information from other sources such as the Police, other local authorities, statutory & non-statutory agencies and Boards such as the Children and Adult Safeguarding Boards. An applicant will be required to provide consent at the application stage.

### **5.4 Disclosure and Barring Service (DBS) and DVLA Checks**

#### Disclosure and Barring Service

A criminal record check on a driver is necessary and deemed an important safety measure. Applicants will be required to provide an Enhanced Disclosure through the Disclosure and Barring Service (DBS).

This DBS will provide details of live/spent convictions, police cautions and other relevant information that will be considered when determining the application.

Detailed information about the DBS application procedures can be found in appendix F.

Hackney carriage and private hire vehicle drivers are deemed as “exceptions” under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended.

All applicants/licensees will be required to disclose all cautions and/or convictions on their application forms even if they are spent for other purposes as well as any fixed penalty notices and warnings. The applicant will be responsible for funding, obtaining and providing the Licensing Authority with a copy of the DBS certificate.

Certificates should be obtained using the Licensing Authority’s approved DBS system.

All licence holders shall notify the Licensing Authority of any convictions, cautions, or fixed penalty notices received during their licence period. Failure to inform the Licensing Authority of these during the licensing period may result in suspension, revocation and/or any other course of action deemed appropriate by the Licensing Authority.

A licence will not be granted or renewed in the absence of a current Enhanced DBS Disclosure Certificate.

The Licensing Authority requires all drivers to fund, obtain and produce an enhanced DBS check **every six months** and the details contained within this will be retained by the Licensing Authority. Licence holders **are required to** subscribe to the DBS Online Update. The update service can be used if an application is made for a renewal **or six monthly check** and there have been no changes. If no changes are recorded on the DBS certificate, then a full DBS check will not be required. In all other cases a full Enhanced DBS check will be required before a licence will be renewed/issued.

The applicant/licence holder must provide consent for the Licensing Authority to undertake checks of their DBS status as and when it is deemed appropriate to do so and failure to do this may result in an application being refused.

It may be necessary for the Licensing Authority to access the update service to monitor licence holders to be satisfied that they continue to be fit and proper to hold a licence.

#### Applicants with periods of residency outside the UK

If an applicant has spent six continuous months or more overseas the Council will need to see evidence of a criminal record check from the country / countries visited covering the period, that the applicant remained overseas.

The Licensing Authority will need to be satisfied that sufficient background checks have been conducted to satisfy the fit and proper test for all applicants that have lived overseas. For EU nationals (including UK citizens) suitable checks should be available where the applicant has not been resident in the UK for at least 5 consecutive years.

For those countries for which checks are not available, the Council will require a certificate of good conduct authenticated by the relevant embassy where the applicant has not been resident in the UK for at least 5 consecutive years.

If the relevant checks cannot be supplied the Licensing Authority will not be able to grant a drivers licence.

### DVLA Driving Licence Check

All applicants for and holders of a hackney carriage/private hire driver's badge will be required to have a **six monthly** DVLA check of their driving licence record. **A driving licence check code must be provided to the Council to enable this to take place.**

Any offences disclosed will be dealt with in accordance with the Council's "Relevant Convictions Policy".

### **5.5 Relevant Convictions Policy**

The Council is committed to ensuring that the licensed trade is fit and proper. This will entail periodic audits of licensed drivers to ensure that any errors or material changes are identified and acted upon. In relation to the consideration of convictions, cautions, warning and reprimands etc., the Council has adopted the policy set out in Appendix B. The terms of this policy will have immediate effect from the date of this policy.

In assessing whether the applicant is a fit and proper person to hold or retain a licence, the Council will consider each case on its merits. It will take account of warnings, cautions and convictions, whether spent or unspent, but only in so far as they are relevant to an application for a licence.

Those applications or renewals with information indicating a past criminal record or, any other concern, will be dealt with under the Council's scheme of delegation. The appropriate Officer will make the assessment of whether or not the applicant is a fit and proper person to hold a licence in line with Appendix B.

Appendix B will also be used to determine the suitability of an existing licence holder should it be necessary to consider action in relation to the licence partway through the licence period.

### **5.6 Knowledge and Driving Test**

#### Knowledge Test

Applicants will be required to pass their knowledge test and produce photographic evidence before the test can be commenced.

The knowledge test must be passed and is designed to ensure applicants have sufficient knowledge in relation to:

- Conditions of licence;
- Literacy and numeracy;
- Locations and:
- Highway Code.

As part of this process, applicants will be required to demonstrate that they are able to converse orally and in writing in English to a standard that would be reasonably expected of a person undertaking a role as a hackney carriage or private hire driver.

The initial application fee will only include the initial test and is non-refundable upon failure. All re-tests will be charged in accordance with the fees set by the Council and are non-refundable in the event of failure.

If an applicant fails three successive knowledge tests they will be required to wait at least 12 months (from the date of the most recent failure) before being permitted to take any further tests.

No refund will be provided for any cancellations with less than 24 hours' notice in writing.

### Driving Test

The Council is committed to the provision of a safe and reliable taxi service. All new drivers applying for a hackney carriage/private hire driver badge must undertake and pass a taxi driver assessment test with the providers identified by the Council. Applicants are required to provide a pass certificate issued by the provider before their application is granted.

### **5.7 Medical Assessment**

The Council recognises that licensed drivers should have more stringent medical standards than those applicable to normal car drivers because they carry members of the public who have expectations of a safe journey; they are on the road for longer hours than most car drivers; and they may have to assist disabled passengers and handle luggage. Therefore, Group 2 Standards of Medical Fitness as applied by the DVLA to the licensing of lorry and bus drivers, are considered the appropriate standard for licensed hackney carriage and private hire drivers.

The Council requires that applicants and current drivers undergo medicals through the Council's preferred third party provider or their own doctor provided they have been registered with that doctor or practice for at least the last 12 months. The medical will be taken at the applicant's own expense and if using their own doctor, they will be responsible for making their own arrangements for this to take place. The medical certificate will be produced to the Council, in the case of a new applicant before the application form is accepted and in the case of a renewal before the renewal of the licence is granted.

Licence holders must advise the Licensing Authority of any deterioration or other change in their health that may affect their driving capabilities. Where there remains any doubt about the fitness of any applicant, the Council will review the medical evidence and make any final decision in light of the medical evidence available. No licence shall be issued until medical clearance has been established.

To provide equity with drivers of other forms of public transport, the Council will conduct drug/alcohol/eyesight tests on drivers on an intelligence-led and random basis. Selected drivers and applicants will be expected to either submit to any test deemed appropriate by the Licensing Authority or to attend a medical practitioner chosen by the Council and submit to any test deemed appropriate. Positive test results or failing to comply with the test request may result in a refusal, suspension or revocation of the licence.

Licensed drivers are under a legal duty to carry guide, hearing and other prescribed assistance dogs in their vehicles without additional charge. Drivers who have a medical condition which is aggravated by exposure to dogs may apply to the Council for exemption from these duties on medical grounds. If an application is successful they will be issued with an exemption certificate, and also be issued with a notice of exemption. The notice of exemption must be exhibited in the vehicle by fixing it, facing outwards, either on the windscreen or in a prominent position on the dashboard.

## **5.8 Duration of Licence**

The Council will normally issue licences for a three-year period. However, the Council does have the discretion to issue licences of a shorter duration, if it considers this to be necessary given the circumstances.

## **5.9 Safeguarding and Vulnerability Training**

Every new applicant will undergo Safeguarding Vulnerable Passengers training before a licence is issued. The training involves attending a training session at a location approved by the Council and the applicant will also complete and pass a test at the end of the session. Current licence holders will also undertake the training within twelve months of the renewal dates of their licence.

Failure to pass the test will result in the applicant or current licence holder re-taking the training session and exam at their own cost.

Should the applicant or current licence holder fail the test for a third time, in the case of a new applicant the application will be refused, in the case of a current driver the application to renew will be refused or when mid-term of a licence it may be revoked.

Licence holders are required to refresh their training by undertaking the safeguarding course every three years as a requirement of retaining their licence. Failure to undertake such training may result in the revocation of the licence

It is essential that young, elderly and other vulnerable people are safeguarded and protected whilst being transported in a licensed vehicle. Accordingly, a specific Code of Conduct must be complied with when working with vulnerable passengers. This is provided at Appendix C.

## **5.10 Conditions**

The Licensing Authority may attach such conditions to a hackney carriage and private hire vehicle driver's licence as are considered necessary. The standard conditions are available in appendix D. The conditions may be reviewed as the need arises.

Failure to comply with the conditions set out in this document may result in enforcement action.

## **5.11 Dress Code**

Hackney carriage and private hire licensing in the Borough of Broxtowe plays an important role in portraying a positive image of Broxtowe.

All drivers are expected to conduct themselves in a manner that serves to enhance the professional image of the hackney carriage and private hire trade, and promotes the concept that drivers of licensed vehicles are professional vocational drivers.

Employees working for companies operating their own dress codes will also be required to comply with this standard. The Licensing Authority requires all drivers to adhere to the following dress code:

*“Drivers must ensure that at all times a smart standard of dress and cleanliness is maintained which is acceptable to the general public. Flip Flops and/or bare feet are not acceptable when on duty.”*

### **5.12 Right of Driver to Work in the UK**

The Council will require all applicants to provide documentary evidence to confirm that they may legally work in the UK. Examples of documents that maybe provided include:

- A UK passport confirming that the holder is a British Citizen (or citizen of another EEA country – including Switzerland),
- Passport or other travel document endorsed to show that the holder is allowed to stay in the United Kingdom and undertake paid employment,
- Full UK Birth / Adoption Certificate,
- An Immigration Document issued by the Border and Immigration Agency to the holder which indicates that the person named in it can stay in the United Kingdom and undertake paid employment,
- A work permit or other approval to take employment issued by the Home Office or the Border and Immigration Agency when produced in combination with either a passport or another travel document endorsed to show the holder is allowed to stay in the United Kingdom and is allowed to undertake paid employment.

This list is not exhaustive, and other documents may be accepted – further information will be provided by the Licensing Authority on request.

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

### **5.13 Driver Responsibility**

The Licensing Authority requires all of its drivers to ensure that passengers are safeguarded when being transported in a licensed vehicle. The following are applicable:

- Ensure that they are fit to drive at all times;
- Ensure their vehicle is fit to be driven at all times;
- Not to use a vehicle which could put the public at risk;
- To remain professional at all times;
- To carry photographic ID at all times, and wear it in accordance with any conditions of the licence;
- Not to use offensive or inappropriate language;
- Not to swear;
- Not to behave in a manner that would make passengers feel uncomfortable, intimidated and/or threatened;
- Ensure a log is maintained which records all incidents, refusals and accidents involving passengers and is reported to the Operator immediately and in any event before taking the next fare (see 6.10 Accidents);
- They must inform the Licensing Authority and if applicable the Private Hire Operator of any offences/convictions or arrests.

### **5.14 Driver Hours**

There are no direct controls over the hours that hackney carriage/private hire drivers can work. There are, however, limits applicable to drivers of heavy goods vehicles and public service vehicles.

The Council deem that the number of hours worked by drivers can impact on public safety and as a result seeks to promote the same limits that are applicable to drivers of heavy goods vehicles and public service vehicles namely:



- An average of 48 hours per week calculated over a 17-week period but up to 60 hours in a single week providing the 48-hour average limit is maintained.
- Night work limited to 10 hours unless there is an agreement to work longer hours.
- Working between 6 and 9 hours per day requires breaks totalling 30 minutes. If more than 9 hours is worked then breaks must total 45 minutes, and breaks should be at least 15 minutes in duration.
- Drivers should refer to the guidance notes, Driver Working Hours Appendix E

The Council recommends that these requirements are used as a guideline to ensure drivers are fit to drive and that public safety remains paramount at all times

**5.15** A driver commits an offence under 170(3) of the Equality Act 2010 if s/he fails or refuses to carry out a booking accepted by the operator: - (a) if the booking is made by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person, and (b) the reason for the failure or refusal is that the disabled person is accompanied by an assistance dog

## **6.0 HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES**

### **6.1 Application Process**

The Council will consider all applications for vehicle licences on their own merits. The procedure for dealing with applications for private hire and hackney carriage vehicles is set out in Appendix G.

**The applicant should ensure that the vehicle complies with the Council's policies at Para 6.3 and Appendix I.**

The applicant must submit the following to the Council in order for the application to be considered valid:

- The vehicle application form;
- The appropriate fee;
- The original Vehicle Registration Document (Log Book/V5) will only be accepted in the case of vehicles that are not licensed at the time that the application is made. Licences will not be granted or renewed unless the full V5 document is made available to the council at the time of application, in order that the date of first registration can be confirmed.
- The original insurance certificate or insurance cover note for the vehicle (this must be provided before the licence is issued)
- Any vehicle must have a current MOT certificate unless under a year old at date of licensing.
- A seating plan is required for any vehicle being licensed for more than 4 seats.
- A Basic DBS Disclosure Certificate (No older than 31 days) or permission to access the update service if the applicant is not the holder of a current Hackney Carriage/Private Hire Driver Licence or Private Hire Operator Licence issued by Broxtowe Borough Council.

In addition:

- Any vehicle not manufactured with European Whole Vehicle Type Approval will be required to undergo Single Vehicle Approval (SVA) testing and evidence of that testing and the vehicle having obtained SVA produced to the licensing office.

The application must be made on the correct application form and all supporting documents completed in full before any vehicle can be presented for testing.

Hackney carriage and private hire vehicles licensed by Broxtowe Borough Council may only be driven by Broxtowe Borough Council licensed drivers. (This includes the private use of the vehicle.)

If there is any doubt about the suitability or compliance of the vehicle to be licensed, contact should be made with the licensing team at the Council for advice prior to purchase.

Vehicles licensed by Broxtowe Borough Council are not permitted to be concurrently licensed with another authority.

In order to operate a Broxtowe Borough Council licensed private hire vehicle, a person or business must hold a Private Hire Operator licence or operate through a Broxtowe Borough Council licensed operator.

## **6.2 Grant and Renewal of Licences**

The vehicle must be presented for testing on the date agreed. Any failure to attend will incur a cancellation fee. A full list of fees is available on the Councils website at [taxi vehicle application fees](#)

All paperwork MUST be submitted 5 working days prior to the vehicle test.

Once the vehicle licence has been issued, only licensed drivers are permitted to drive the vehicle.

## **6.3 Vehicle age and emissions**

Licence plates for hackney carriage and private hire vehicles under 5 years old are issued annually and following a successful examination of the vehicle, plates will be issued. The old plates must be surrendered before new plates will be released. When a vehicle has reached the age of 5 years it will, on the next renewal, be licensed on a six monthly basis. Subject to the vehicle successfully passing the examination, the vehicle will continue to be renewed up to the age of 8 years. Vehicles over the age of 8 years will not normally be licensed by the Council unless they are wheelchair accessible. Wheelchair accessible vehicles will normally be renewed up to the age of 10 years.

Where vehicles do not comply with the current vehicle age conditions, application may be made for an exceptional conditions test. This will normally take place at least two months before the expiry of the current licence so that should the vehicle fail the test, the applicant will have sufficient time to source a new vehicle. Further details of the exceptional condition process can be found in appendix H.

### Emissions

The Environment Act 1995 and subsequent Regulations require local authorities to review and assess air quality on a regular basis. Where air quality falls below the national standards, the Council is required to declare an Air Quality Management Area (AQMA) and develop a plan which identifies how air quality standards will be improved.

In the Nottingham conurbation, vehicle exhaust emissions are a principal source of air pollution and this has resulted in the creation of several AQMAs along major roads including those within the City area. In this area, the levels of annual mean nitrogen dioxide do not comply with EU and national law. There is potential for the UK Government to be fined for breach of the EU limit values post 2015, and infraction proceedings have already been instigated by the European Commission.

It appears that a Clean Air Zone will be created by Nottingham City Council before 2020, which will have the effect of limiting access to the city of certain vehicles, which includes taxis unless they meet strict emission standards. Vehicles which breach these emission limits may be liable for a penalty charge yet to be determined.

Broxtowe Council's current Air Quality Action Plan includes measures to improve air quality from transport, including supporting the improvement of the hackney carriage and private hire fleet by setting minimum emission standards for vehicles licensed in the Borough. The Council aims to ensure that hackney carriages and private hire vehicles are of a good standard. It recognises that the high mileage and general wear and tear sustained by vehicles will have an impact on their continued serviceability over a period of time.

In the interests of air quality, the Council applies vehicle emission standards for licensed hackney carriage and private hire vehicles as part of the licensing process. It is viewed that this is justifiable to ensure the sustained improvement of Broxtowe's taxi fleet and to positively impact on the health and environment in the Borough.

European emission standards define the acceptable limits for exhaust emissions of new vehicles sold in EU member states. The emission standards are defined in a series of European Union directives staging the progressive introduction of increasingly stringent standards. Euro 4 emission standards became mandatory in 2005, Euro 5 in 2009 and Euro 6 in 2015. However, some of the main manufacturers adopted these standards much earlier.

From 13<sup>th</sup> June 2018 all petrol vehicles licensed for the first time by Broxtowe Borough Council will be required to meet the following Euro Emission Standard

- Petrol vehicles Euro 5

From 13<sup>th</sup> June 2018 all diesel vehicles licensed for the first time by Broxtowe Borough Council will be required to meet the following Euro Emission Standard

- Diesel vehicles Euro 6

From 26<sup>th</sup> September 2017 all electric vehicles will be required to meet the following Euro Emission Standard

- Zero emission vehicles Minimum 70kW

**Note: Hybrid vehicles will be required to have a minimum 1500cc engine capacity**

These levels are in line with Nottingham City Council's Clean Air Zone proposals due to take effect in 2019.

## **6.4 Insurance**

It is required that all insurance documents must be shown before a licence is issued.

- This requires a valid certificate of insurance or cover note confirming that insurance is in place for each driver of the vehicle and specifying use as either a hackney carriage or private hire vehicle.
- A hackney carriage vehicle requires insurance to cover public hire and hire and reward.
- A private hire vehicle requires insurance to cover hire and reward.
- A cover note will be accepted and the licence will be issued on the understanding that a certificate of insurance will be produced at the earliest opportunity.

The council will undertake periodic auditing of licensed vehicles to verify that the vehicle is appropriately insured.

## **6.5 Vehicle Specification**

The Council has set down a series of specifications. Vehicles will need to comply with these specifications prior to being accepted as a licensed vehicle. The specification for private hire vehicles and for hackney carriages can be found at Appendix I.

The specification may be subject to review as required.

## **6.6 Conditions**

The Council is empowered to impose such conditions as it considers reasonably necessary in relation to the granting of hackney carriage or private hire vehicle licences. These are set out in Appendix J.

However, where it is considered necessary, additional conditions may be imposed. In considering what is reasonably necessary the Council will take into account the aims and objectives of this policy.

## **6.7 Identification of Vehicles as Hackney Carriage and Private Hire Vehicles**

The hackney carriage (not being a purpose-built London-style vehicle) shall carry upon the roof a sign which shall bear to the front the words "FOR HIRE/TAXI" and to the rear the words "BROXTOWE BOROUGH COUNCIL NO." together with the carriage licence number.

All private hire vehicles shall display on each side of the vehicle a sign stating the name of the operating company and the wording "Private Hire Advance bookings only"

Taxi plates must be fitted to the front and rear of each vehicle and will state the designated use.

Further details of relevant signage is contained in appendix J

## **6.8 Fire Extinguishers and First Aid Kits**

All vehicles will carry both a First Aid kit and Fire Extinguishers as specified in the Council's vehicle specification.

## **6.9 Tyres**

Tyres are the vehicle's only point of contact with the road, so it is essential that they are in good condition. The Council requires that all licensed vehicles adhere to the following provisions with regard to tyres:

- Tyre treads are designed to efficiently and effectively remove water from the road surface and provide maximum grip. All tyres fitted to the vehicle must have at least 2.0 mm tread depth throughout a continuous band in the centre 3/4 of the tread and around the entire circumference of the tyre.
- Tyres fitted to a motor vehicle must be fit for purpose and be free from any defects which might damage the road or endanger any person. Fit for purpose means that a tyre must:
  - Be compatible with the types of tyres fitted to the other wheels,
  - Not have any lump, bulge or tear caused by separation or partial failure of the structure,
  - Not have a cut or tear in excess of 25mm or 10% of the sectional width of the tyre, whichever is the greater, and which is deep enough to reach the ply or cord,
  - Not have any part of the ply or cord exposed.
- Tyres must be correctly inflated to the vehicle / tyre manufacturer's recommended pressure.
- All replacement tyres fitted to licensed vehicles must be new (i.e. not have been used previously on any other vehicle) and have been fitted by a reputable vehicle maintenance company / contractor. Vehicle proprietors are required to retain invoices / receipts to show that any tyre that is purchased meets this requirement.
- The fitting of part worn tyres to licensed vehicles is not permitted.
- 'Space saving' spare wheels must only be used in an emergency, and then only in accordance with the manufacturer's instructions. Should the use of a 'space saving' spare wheel become necessary during a period of hire then the journey may continue, but the wheel must be replaced.

### **6.10 Accidents**

If at any time the vehicle is involved in an accident/incident, however minor, the driver must inform the Council as soon as possible and in any event within 72 hours of the incident/accident in writing. Emails can be sent to [licensing@broxtowe.gov.uk](mailto:licensing@broxtowe.gov.uk).

The vehicle must be presented for inspection to the Council as soon as possible after the accident has taken place – an appointment will be arranged upon notification to the Licensing Authority. Failure to present the vehicle could result in the vehicle's licence being suspended and/or revoked.

The Council may, at any time, request that a vehicle be inspected. The vehicle should not be used for hire or reward until the Licensing Authority has confirmed it is satisfied that the vehicle is fit for use. The licence may be suspended in the interim. If, following an inspection, it is deemed that the vehicle is not, fit for use and/or, roadworthy then the vehicle licence may be suspended.

If the vehicle is significantly damaged/not roadworthy, or is being assessed by an insurance company, then the vehicle proprietor must inform the Licensing Authority as soon as possible and in any event within 72 hours. In these cases, the proprietor should provide photographic or other evidence to justify why the vehicle is unable to be presented for examination. Failure to do so may result in the licence being suspended and/or revoked.

### **6.11 Vehicle Examination and Testing Requirements**

Details of the Councils examination and testing requirements for vehicles can be found on the Councils website at [www.broxtowe.gov.uk](http://www.broxtowe.gov.uk)

## **6.12 Meters**

Taximeters fitted to Broxtowe Borough Council Hackney Carriages must be of a type previously approved for use under the Measuring Instruments (taximeters) Regulations 2006, and any currently licensed vehicle presented to the Council after 1 April 2020 for a Hackney Carriage licence must be fitted with a calendar controlled taximeter, locked and sealed by the manufacturer/supplier so that tariff rates change automatically and cannot be changed or tampered with manually by any person. A certificate of calibration must be provided.

All new vehicles presented to the Council after 1 April 2019 for a Hackney Carriage licence must be fitted with such a meter and provide a certificate of calibration.

All hackney carriages must be fitted with a calendar controlled meter.

Meters used to calculate fares must be accurate, display the correct time and be capable of displaying:

- In the case of hackney carriages, the various tariffs as approved by the Council (including extra charges recoverable under the approved Table of Fares). The meter shall be calibrated and set to the Council's agreed charging distances and tariffs currently in force.
- In the case of private hire vehicles, any scale of charges which will be provided by the Private Hire operator.

Meters will be checked for accuracy by a measured mile distance or by waiting time.

Meters must be positioned in order that the fare must be clearly displayed to the passenger throughout the journey.

Meters in use must not facilitate fraudulent use. Any signs of tampering will result in a suspension notice being issued immediately. For the suspension notice to be removed, the vehicle meter must have been checked and calibrated by an approved meter company and presented to the Council for inspection.

Private Hire Operators and / or drivers may agree a cost for the journey with the customer prior to the journey commencing. In this situation, the price quoted is the price that must be charged – there is to be no deviation from this price without the agreement of the customer.

On occasions where a price has been not been agreed prior to the journey commencing, the fare charged must be that which is reflected on the meter where the vehicle is equipped with a meter

## **6.13 Advertisements on vehicles**

No advertisements shall be placed on any vehicle licensed by the Council **without** the applicant receiving prior approval of the advert. See Appendix J.

## **6.14 Additional Provisions for Hackney Carriages**

The main aim of Council's licensing of the hackney carriage and private hire trade is the protection of the public. The Council is aware that the public should have reasonable access to hackney carriage and private hire services, because of the part they play in local transport provision. Disabled groups are particularly reliant on hackney carriages as a means of transport. Licensing authorities have no power to restrict the number of private hire vehicles

that they licence. Licensing authorities can restrict the number of hackney carriage licence plates they issue if they are satisfied that there is no significant unmet demand for taxi services; in Broxtowe numbers are not restricted at this time.

### **6.15 Taxi Ranks**

A full list of hackney carriage ranks, their exact positioning on each street and the times they are in use is available on the Councils website at [www.broxtowe.gov.uk](http://www.broxtowe.gov.uk). Taxi ranks are to be used by hackney carriages whilst waiting for their next hire. They are not to be regarded as parking places. Private hire vehicles are not permitted to park on taxi ranks, nor must they allow customers to alight from their vehicle on a taxi rank.

## **7.0 FARES**

### **7.1 Hackney Carriages**

The Hackney Carriage Table of Fares (“the tariff”) is set by the Council and states the maximum fare that can be charged by hackney carriage drivers for journeys within the District.

Lesser fares can be negotiated by the hirer for journeys.

The hirer may agree to the fare for a journey which ends outside the district being charged other than at the metered rate.

It is an offence for any person to charge more than the metered fare.

The Council may review the hackney carriage fare table from time to time. A notice of any variation to the maximum fare shall be advertised by the Council.

A table of authorised maximum fares will be provided to each hackney carriage licence holder, which must then be clearly displayed in each vehicle so that it is visible to all hirers. Drivers must, if requested by the passenger, provide written receipts for fares paid.

### **7.2 Private Hire Vehicles**

The Council does not set fares for private hire vehicles.

Best practice is to agree the fare prior to the commencement of the journey with the Private Hire Operator.

Drivers must, if requested by the passenger, provide written receipts for all fares paid.

## **8. PRIVATE HIRE OPERATORS**

### **8.1. Introduction**

Vehicles and drivers may only lawfully carry out bookings made through an operator who is licensed by the same authority. When an Operator is unable to fulfil a booking due to unforeseen circumstances, it may pass that booking to another Operator to fulfil the commitment providing it is done in accordance with the law.

The term ‘operate’ is defined at section 80 of the Local Government (Miscellaneous Provisions) Act 1976 as meaning, in the course of a business, to make provision for the invitation or acceptance of bookings for private hire vehicles.

Operators play a key role in ensuring that the public are kept safe, that drivers are suitably trained, experienced and supported to deliver a high quality service and to ensure that vehicles are kept in a clean, safe and sound condition at all times.

Whilst it is accepted that operators will have less direct contact with the public than drivers (with the exception of receiving bookings for journeys), to ensure the safety of the public the Council must apply similar checks when considering applications for licences. The Council must be satisfied that prospective operators are fit and proper persons.

A licensed private hire vehicle must only be despatched to a customer by a Private Hire Operator who holds an operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a licensed hire vehicle in line with the law.

## **8.2. Application process**

Applications for Operator's licences must be made in writing using the approved application form.

- Where the application is being made by a single individual, the questions on the application form should be answered by that individual.
- Where the application is being made by multiple individuals (whether in a formal partnership or not), the questions should be answered jointly by the applicants.
- Where a limited company is applying for a licence, the questions should be answered in respect of both the company and its directors.

This is necessary and particularly relevant to the questions relating to conviction, cautions, insolvency or disqualification, where the Licensing Authority must be satisfied as to the fitness and propriety of each and every applicant.

Before an application will be accepted the applicant must include the following:

- A basic DBS certificate (no older than 31 days); for all partners
- A certificate of good conduct (if applicable);
- Proof that the applicant is legally permitted to work in the UK – a licence will not be issued for a period longer than that period the applicant is permitted to work;
- The safeguarding vulnerable people course certificate; (all applicants will be required to attend and pass this course)
- The application fee;
- Any other documentation required to progress your application e.g. relevant insurance documents.

If any issues arise during the processing of the application, in the first instance the applicant will be given an opportunity to provide clarification, or if appropriate to amend the application form.

When all required documents and other information have been received, the application will be determined.

In accordance with the Interpretation Act 1978, the term 'person' may apply to both individuals and bodies corporate and unincorporate. Where an application is made by one or more individuals, the provisions herein shall be applied to each individual so specified in the



application. Where an application is made by a partnership or limited company, the provisions herein shall be applied to each partner or director, as the case may be, and to the company secretary.

Completed application forms (including any information in annexes required as part of the application) should be returned to the Licensing Authority along with the applicable fee.

Operator's licences are non-transferrable. In the event of the control of a licensed business passing to a different person, it will be necessary for the new owner of the business to apply for a licence.

#### Determination

Applications can be granted at Officer level where all documentation is satisfactory in line with the scheme of delegation.

Where an application presents issues which cannot be addressed through the application process it will be heard by the Licensing and Appeals Committee. The applicant will be given an opportunity to make representations, either in writing or orally at a meeting. All representations will be given full consideration prior to a decision being made in respect of the application.

The Council will consider information from other sources such as the Police, Children and Adult Safeguarding Boards, other licensing authorities and statutory/non-statutory bodies.

Where an application is granted, a licence document will be issued to the applicant, which confirms their right to operate private hire vehicles. Licences will usually be granted for a period of 5 years. The Council does however reserve the right to grant licences for a shorter duration if deemed necessary in the circumstances.

Where an application is refused, suspended and/or revoked by the Council and the operator is aggrieved by the decision, there is a right of appeal to a magistrates' court. Further details will be provided where applicable.

### **8.3. Fitness and propriety of applicants**

In determining applications, the statutory test set out at section 55 of the Local Government (Miscellaneous Provisions) Act 1976 Act is applicable, namely that the Licensing Authority *"shall not grant a licence unless they are satisfied that the applicant is a fit and proper person to hold an operator's licence"*.

The operator is responsible for all persons (and vehicles) that are employed, contracted or otherwise used in the course of their business.

In order to assess the suitability of an applicant the Council will undertake any checks and apply whatever processes it considers necessary to determine whether an applicant is fit and proper to hold a licence and ensure that licences are not issued to, or used by, unsuitable people.

The Licensing Authority requires that all operators (all partners /directors) fund, obtain and provide a basic DBS certificate annually if the applicant is not the holder of a current hackney carriage/private hire driver licence or private hire operator licence issued by Broxtowe Borough Council.

If the Operator holds a current hackney carriage/private hire driver licence, permission to access the Update Service will be acceptable.

In assessing the suitability of an applicant or licence holder, the Council will consider the following factors:

- Criminality
- Right to work
- General conduct / standards of behaviour (including online behaviour)
- The conduct of the applicant in making the application (e.g. whether they have acted with honesty and integrity during the application process).
- The previous licensing history of existing / former licence holders (including honesty and integrity).

In addition, the Council may need to verify information or obtain further information from other sources such as the Police, other local authorities, statutory & non-statutory agencies and Boards such as the Children and Adult Safeguarding Boards.

All Operators are required to undertake and maintain evidence of checks that satisfy them that their drivers and/or vehicles are suitable, fit and proper to be used in the course of their business. Failure to ensure that appropriate checks are in place may have an adverse impact the operator's licence.

Examples of checks include:

- Ensuring vehicles are roadworthy;
- Monitoring the conduct of drivers;
- Good Record keeping
- Driver hours
- Vehicle maintenance
- Vehicle checks
- Training records
- Appropriate complaints handling
- Records of any public safety issues/concerns involving drivers and/or vehicles and the reporting of such concerns to the Licensing Authority.

#### **8.4. Convictions**

Whilst Operators come into contact with the public less frequently than drivers, they still play a critical role in ensuring the safety of public. In assessing an applicant's fitness and propriety, the Council will take into account any convictions or cautions for criminal offences when determining an application.

The effect of any convictions or cautions which are not considered to be 'spent' under the provisions of the Rehabilitation of Offenders Act will all be considered. A serious view will be taken where there are offences relating to dishonesty, financial impropriety, violence, substance misuse, abuse of a person with a protected characteristic, safeguarding offences or misconduct under taxi and private hire legislation. The convictions policy applicable to drivers will be applicable when considering offences for Operators.

It shall be the duty of the Operator to inform the Council of the following:

- Any convictions incurred by them or any partner, director or company secretary during the period of the licence for any offence. They must be reported to the Council in writing within 7 days
- Change of address, in writing within 7 days
- Any other changes that could affect the licence

- Any convictions of their employees or agents who hold hackney carriage/private hire vehicle driver's licences. They must be reported to the Council in writing within 7 days

Private hire operators are not identified as an exempt profession under the Rehabilitation of Offenders Act 1974, and therefore the provisions of that Act relating to convictions becoming spent after a certain amount of time will apply in full.

### **8.5. Licences**

Any relevant licensing history relating to an applicant or operator will be considered by the Council. Where appropriate, further information may be sought from any other relevant body. Consent from the applicant should not be unreasonably withheld.

Where consent is refused a licence will normally be refused.

It shall be the duty of the licensed Operator to ensure that the licences of all vehicles and drivers are valid and current.

The Council will normally issue an Operator's licence for a five-year period. The Council does have the discretion to issue licences for a shorter period, if it considers this to be necessary in the circumstances.

### **8.6. Safeguarding Training**

All new applicants will be required to attend and pass a Safeguarding Vulnerable Passengers training course prior to a licence being granted.

Failure to do so may result in immediate suspension, revocation and/or another course of action deemed appropriate by the Council.

The training will involve attending a session at a location approved by the Council. At the end of the session all applicants will be required to pass a test.

Failure to pass the test will result in the licensee re-taking the training session and exam at their own cost and within a specified amount of time.

The initial test fee is included in the application fee. All re-tests will be charged in accordance with the fees set by the Council.

If an applicant is unable to pass the test after three attempts:

- New applications and renewals will be refused;
- Current licences will be revoked.

Licence holders are required to refresh their training by undertaking the safeguarding course every three years as a requirement of retaining their licence. Failure to undertake such training may result in the revocation of the licence

### **8.7 Conditions**

Under section 55(3) of the 1976 Act, the Council may attach such conditions to an operator's licence as are believed necessary.

The Council has adopted a schedule of conditions which will be attached to all licences issued. Additional conditions can be attached where deemed appropriate. These conditions are appended at appendix J.

Failure to comply with the conditions set out in this document may result in enforcement action (see Section 10.)

## **8.8 Right to work in the UK**

Please refer to section 5.12

## **8.9 Operators Responsibility**

The Operator shall at all reasonable times provide a prompt, efficient and reliable service to members of the public and shall in particular ensure that:

- a. When a vehicle has been hired to attend at an appointed time and place the vehicle shall unless delayed or prevented by sufficient cause attend punctually;
- b. Premises provided by the Operator will be within the District or approved by the Licensing Authority and any waiting areas shall be kept clean, heated, ventilated, well-lit with adequate seating;
- c. Any telephone facilities and dispatch equipment shall be maintained in an effective working order
- d. Any complaints received by the Operator that could undermine public safety shall be referred in writing to the Licensing Authority, together with any action taken.
- e. All vehicles operated shall be maintained in a satisfactory and road worthy condition; and they shall ensure that any defects to vehicles are recorded and corrected as soon as possible.
- f. The Operator shall ensure, without prejudice to any other liabilities imposed under the Act, that all vehicles owned and or operated in association with the Operator and drivers controlled, shall observe and perform in accordance with the conditions of their licence.
- g. The Operator will monitor drivers' working hours to ensure they are safe to transport the public. Although there is no legal framework for taxi drivers' hours, it is incumbent upon the Operator to ensure drivers do not work excessive hours and that they are fit to drive and thus will not put the public at risk. Guidance relating to driver hours can be found on the Councils website or is available upon request.
- h. the Operator is required to maintain a register of all staff whose work consists of taking bookings and dispatching vehicles, and that such staff have provided the Operator with a Basic DBS Disclosure and that such checks are reviewed annually, and certainly prior to a new employee commencing work.
- i. the Operator is required to maintain a Policy on the employment of ex-offenders who may work for the Operator or undertake work on behalf of the Operator in order to ensure such persons do not pose a risk to the safety of The public. Applicants and licence holders are advised to note the position the Council takes in its Relevant Convictions Policy (**Appendix B**) when formulating such a Policy.
- j. the Operator will ensure that the company maintains a Safeguarding Policy that addresses the needs of the protection of children and vulnerable adults for whom the Operator provides transport services. Such a Policy shall also include the matters referred to at items h and i above.
- k. the Operator is required to evidence that any other Operator to whom they sub-contracts bookings, has necessary comparable protections in place for the safeguarding of children and vulnerable adults.

## **8.10 Planning permission**

Any premises maintained by the operator (e.g. vehicle depots, booking offices, call centres, etc.) may require planning permission for that usage, irrespective of how many vehicles are

to be operated from that location. It is advised that applicants seek advice from the planning authority prior to making an application for a licence or commencing the use of premises under a licence, as to whether any permission will be required.

Applicants must note that both planning and licensing requirements must be satisfied prior to the commencement of any operation.

### **8.11. Insurance**

Operators are required to have the relevant insurance policies in place:

- Vehicle;
- Public Liability;
- Employers Liability (where applicable)

### **8.12. Trading names**

Operators will be asked to declare their (proposed) trading name(s) within their application. This is the name by which the business will typically be known by customers and the public, and which will appear on advertising placed by the Operator.

While trading names are a matter for an Operator to determine, the Licensing Authority will, as part of its licensing process, seek to prevent names which may offend or cause confusion from being used in connection with the provision of private hire services in the area.

In particular, applications will not be granted where the proposed trading name is the same or substantially similar, either phonetically or visually, as:

- An expletive, derogatory or offensive term
- A term associated with inequality
- A term with political implications
- A registered trademark (unless the applicant can demonstrate a right to use that mark)
- The trading name of an existing Private Hire Operator, either licensed in the Broxtowe area, or trading in a neighbouring area
- The trading name used by a Broxtowe hackney carriage proprietor, where the proprietor has previously notified the Council of the use of that name and the name has been used regularly since
- A name which implies official recognition or endorsement by the Council or another regulatory body
- A term in any language other than English which when translated would fall within any of the preceding categories.

Legally, only hackney carriages may display the words 'taxi' or 'cab' on their vehicles. For this reason, trading names which include the words 'taxi', 'cab', 'hackney' or 'public hire', or which are phonetically or visually similar, will not be permitted by private hire operators.

If, however, the operator also provides bookings to hackney carriages, a variation of the permitted trading name including one of these terms may be displayed on advertising specifically in respect of those vehicles, but not in respect of any matter relating to the wider business or to private hire vehicles.

Should concerns arise about the suitability of a trading name, in the first instance these concerns will be discussed with the applicant, who will be given an opportunity to respond or to amend his application.

This section of the policy will not be retrospectively applied to any operator's trading name (and where an operator's licence has been continually maintained in respect of this), but will apply to any new operator (including new applications made following the lapse of a previous licence) or new trading name applied by an existing operator.

### **8.13. Door signs and advertising**

Under the council's standard conditions applying to vehicle licences, all vehicles which are operated by an operator must display that operator's door signs in prescribed positions, at all times. The door signs must be of a design and colour scheme approved by the Council.

A sample or proof of the proposed door sign should accompany an initial application for an operator's licence, or if this is not possible, should be supplied to the Council as soon as practicable following the confirmation of grant of the licence.

A door sign that has not been approved cannot be used on a vehicle. Proofs may be supplied either on paper or electronically. Approval of a design will not be unreasonably withheld, so long as the signage includes the required wording, is of a suitable size, and relates to the operating company's services only, and not to any other product or service.

### **8.14. Complaints / Records**

Each Operator shall keep a record of complaints made to them, their agents or employees in relation to any aspects of the business. The records shall be maintained for the duration of the Licence and should be available at all times for inspection by a Police or authorised Officer.

Complaints involving any element of:

- a. the fitness of a licensed driver to drive; and/or
- b. the driving ability of any licensed driver
- c. the condition of any licensed vehicle
- d. Must be reported to the Councils Licensing Department, in writing, within 48 hours of the complaint being made to the Operator.

### **8.15. Exemptions**

The Council has considered requests from certain operators for their businesses or part thereof to be exempted.

Exemptions are only granted in exceptional circumstances and for specialist businesses, for example, those providing novelty vehicles such as stretch limousines and/or executive chauffeur businesses.

In all cases, requests for exemption from one or more of the licence requirements must be made in writing, setting out the exemption sought and the justification as to why this exemption may be considered appropriate, in accordance with the criteria set out in the preceding paragraph. The request must be accompanied at the time of submission (not at a later stage) by suitable and sufficient evidence to support the request.

Where exemptions are granted, the Council reserves the right to impose additional conditions or requirements, which may stipulate an alternative way of achieving the initial requirement, or a close alternative.

All exemptions granted will be subject to periodic review, and may be withdrawn at any time and without prior notice if the Council can no longer be satisfied that the exemption is necessary, or if there is evidence to suggest it is no longer suitable.

The Council will not grant exemptions from the signage requirements for hackney carriages.

### **8.16 Duties under the Equality Act 2010**

The Equality Act 2010 places specific duties on Operators to transport passengers accompanied by assistance dogs.

An Operator commits an offence under section 170(1) of the Equality Act 2010 if s/he fails or refuses to accept a booking for a Licensed Vehicle:-

- (a) if the booking is requested by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person, and
- (b) the reason for the failure or refusal is that the disabled person will be accompanied by an assistance dog.

An Operator commits a further offence under section 170(2) of the Equality Act 2010 if s/he makes an additional charge for carrying an assistance dog which is accompanying a disabled person.

Further guidance can be found at Appendix D

Operators are under a duty to accept bookings from passengers with guide, hearing and other assistance dogs without additional charge. When carrying such passengers, drivers have a duty to:

- Convey the disabled passenger's dog and allow it to remain under the physical control of the owner; and
- Not to make any additional charge for doing so.

Operators are required to inform their drivers about the best practice when they are conveying disabled passengers with assistance dogs.

Operators should allocate bookings made by passengers accompanied by assistance dogs to drivers who do not hold a medical exemption certificate to exempt them from conveying assistance dogs.

If a driver, who is employed by an Operator or works on behalf of an Operator holds a medical exemption certificate the Operator must ensure the driver:

- Exhibits the medical exemption certificate in the vehicle by fixing it in an easily accessible place (e.g. on the windscreen or in a prominent position on the dashboard)
- Seeks to use a tactile medical exemption certificate so that guide dog owners are able to identify the certificate. This tactile medical certificate should be presented to the guide dog owner upon request.

## **9. FEES**

### **9.1 Fees**

The Licensing Authority reserves the right to review its fees at any time. If varied, a notice of the variation will be published by the Council.

All relevant objections will be considered before a determination is made.

The current fees applicable are available on the Council's website or upon request.

## **10. COMMUNICATION AND INFORMATION SECURITY**

### **10.1 Personal Information**

In the course of their business, operators and/or drivers will be required to process and store various pieces of data, some of which will be personal data.

The processing and storage of this data will fall under the provisions of the Data Protection Act 1998, which will require certain measures to ensure the security of that data, and to prevent unauthorised breaches of the security, or usage of the information for unauthorised purposes (e.g. sending marketing information without the consent of the subjects).

Licensees are required to establish whether they need to register with the Information Commissioner's office as a data controller.

For further information on whether registration is required, please refer to the website of the Information Commissioner's Office, at [www.ico.org.uk](http://www.ico.org.uk).

### **10.2 Radios**

Where a Licensee maintains a radio network for use, the range and/or frequency used by the system may require a business radio licence<sup>1</sup> from Ofcom.

Operators will be asked to confirm whether they have satisfied this requirement on making an application. For further details, please visit:

<http://licensing.ofcom.org.uk/radiocommunication-licences/business-radio>

### **10.3 CCTV**

Approval in writing must be obtained from the Council before CCTV equipment is installed and used in the vehicle.

Each system must be registered with the offices of the Information Commissioner with proof of registration supplied to the Council before the system can be used.

Installation and operation of the CCTV must comply with the requirements of the Information Commissioner's CCTV Code of Practice which can be found at <https://ico.org.uk/for-organisations/guide-to-data-protection/cctv/>

Any material recorded on the equipment shall be used only as evidence in court proceedings or to aid investigation of a crime or to confirm or rebut complaints made against the driver.

Material captured by the system shall be accessible only to the Police, authorised Council Officers or the CCTV Operator.

The system should be of evidential quality, indicate the time and date and be retained for a period of 31 days if an incident has taken place.

The system must be operated in accordance with the Data Protection Act 1998.

The CCTV Operator must ensure recommended signage and appropriate contact details are displayed in a prominent (though not obstructive) position where they can be easily read by



persons both inside and outside of the vehicle. The CCTV Operator must ensure that the notices are maintained in a clean and legible condition.

## **11. COMPLIANCE AND ENFORCEMENT**

### **11.1 Enforcement**

The principal purpose of hackney carriage and private hire licensing is to protect the public and promote public safety.

In doing this, the Council aims to provide the delivery of efficient, targeted and proportionate regulatory services to provide a positive approach to those regulated. The Corporate Enforcement Policy for the Council embeds its principles of enforcement.

A range of tools and powers, including mystery shopping, to ensure compliance may be used. Compliance assessment is ultimately to ensure that the driver or operator is a fit and proper person to hold a licence and/or the vehicle is safe. The safety of passengers, pedestrians and other road users is paramount. Where appropriate, referrals will be made to other agencies such as the Police, HM Customs & Excise Immigration, other Licensing Authorities and both Adult and / or Child Safeguarding teams.

The Council will respond to complaints made by the public and referrals from other agencies and bodies. In addition, officers will undertake proactive inspections and testing as either day to day activity or as part of programmed operations. Any breach of the required standards, policies and conditions may lead to suspension and/or revocations of the licence or prosecution.

If the Council considers it necessary, in the interests of public safety, it may require a suspension or revocation of a licence to have effect immediately. Once a licence has been suspended or revoked, the licence holder (or former licence holder) may appeal to the Magistrates Court in order to challenge the Council's decision.

### **11.2 Suspension or revocation of a licence**

The Council can suspend and/or revoke a licence in accordance with:

1. Section 60(1) Local Government (Miscellaneous Provisions) Act 1976 for vehicle Licences;
2. Section 61(1) Local Government (Miscellaneous Provisions) Act 1976 for driver Licences;
3. Section 62(1) Local Government (Miscellaneous Provisions) Act 1976 for operator Licences.

Notification of any such decision will be provided in writing to those affected.

In situations where there are concerns of public safety with regard to a drivers licence, the Council will consider whether an immediate suspension and/or revocation is necessary in the circumstances. Where a decision is made to suspend and/or revoke with immediate effect, the driver cannot work during any appeal process.

### **11.3 Refusal to renew a licence**

If a decision is taken to refuse to renew a licence and the applicant is not satisfied with the decision, then an appeal can be made to the Magistrates Court with 21 days of receiving notification.

#### **11.4 Prosecution of licence holders**

The Council reserves the right to prosecute licence holders for relevant offences.

#### **11.5 Appeals**

Any notifications of enforcement actions will include information on how to appeal and to whom the appeal is made, if a right of appeal exists.

#### **11.6 Service Requests and Complaints**

Members of the public can submit any service requests, complaints and/or concerns about licensed drivers, vehicles and/or operators in writing or by email to the Licensing Section at:

Broxtowe Borough Council,  
Public Protection Division,  
Council Offices, Foster Avenue,  
Beeston, Nottingham NG9 1AB  
0115 917 3241  
[licensing@broxtowe.gov.uk](mailto:licensing@broxtowe.gov.uk)

#### **11.7 Complaints about the Council**

Any complaint about the service provided by Broxtowe Borough Council in respect of the implementation of this policy should initially be addressed to the Licensing Manager using the above address, email or telephone number.

## DRIVER'S APPLICATION

Broxtowe Borough Council is committed to the provision of a safe and reliable taxi service. All new drivers applying for a hackney carriage/private hire driver badge must undertake and pass the Driving Standards Agency (DSA) test for taxi drivers. Further details of the test can be found in the DSA brochure enclosed.

The Council issues a joint badge which authorises the driver to drive both hackney carriage and private hire vehicles. The badge is normally valid for three years. Applicants will be required to produce a DSA pass certificate and their current driver's licence issued by the DVLA. All applicants will be the subject of a criminal disclosure check with the DBS and are required to sign up to the DBS Update service. All new applicants will be required to take a topography test of their knowledge of the local area, which includes a section to ensure they are familiar with these conditions and the law regarding hackney carriages and private hire work. All applicants will be required to undergo a medical examination which will be carried out by the Council's appointed Occupational Health Physician or their own doctor provided they have been registered with that doctor for at least the last 12 months. This requirement is in accordance with Government guidelines and brings hackney carriage and private hire drivers into line with PSV and HGV drivers.

A driver must be no less than 21 years of age and have held a full DVLA driver's licence for at least twelve months.

A driver may be licensed by more than one authority if he/she so wishes.

All applicants must be aged twenty-one years or more and supply: -

1. A full current driver's licence (which must have been held for at least twelve months prior to applying).
2. A driving standards test pass certificate must also be supplied on first application.
3. A Disclosure & Barring Service disclosure application. All applicants for licences are subject to a DBS check. All applicants will be required to sign up to the DBS update service following the initial DBS disclosure application. This will enable the applicant to provide a six monthly status check and will not normally require a further full DBS check.

Should the applicant not register with the update service a full DBS check will be required on each relevant occasion.

Please note that Broxtowe Borough Council will not take any responsibility for delay caused by the incorrect completion or any other action by the applicant or the DBS and will NOT issue a licence until clearance is received from the DBS.

If necessary, a certificate of good conduct from the relevant country must be supplied.

*(Note: On the application form, the section relating to any offences, motoring or criminal, should include **all** such offences including any that are considered spent under the Rehabilitation of Offenders Act 1974).*

4. A valid driving licence check code
5. Future Employment. Unless the applicant is to be self-employed, he or she should produce a letter or other written evidence from the prospective employers to this effect.
6. Two passport size photographs. The passport quality photograph should be clear and a good likeness.
7. Applicants will be required to provide proof of the right to work in the UK before being granted as licence
8. All new applicants will be required to undertake a knowledge test. The knowledge test must be passed and is designed to ensure applicants have sufficient knowledge in relation to:
  - Conditions of licence;
  - Literacy and numeracy;
  - Locations and:
  - Highway Code.

As part of this process, applicants will be required to demonstrate that they are able to converse orally and in writing in English to a standard that would be reasonably expected of a person undertaking a role as a hackney carriage or private hire driver.

The initial application fee will only include the initial test and is non-refundable upon failure.

All re-tests will be charged in accordance with the fees set by the Council and are non-refundable in the event of failure.

If an applicant fails three successive knowledge tests they will be required to wait at least 12 months (from the date of the most recent failure) before being permitted to take any further tests.

#### A DRIVER'S LICENCE WILL NORMALLY BE ISSUED FOR A 3 YEAR PERIOD

9. All new applicants must attend and pass a safeguarding course within the first year of being licensed. All existing drivers must attend and pass the course within one year of the course being introduced.

A driver's licence will not be renewed if the driver fails to attend the relevant course within the one-year period.

10. Guideline Relating to Medical Conditions
  - 9.1 The Council requires applicants to pass a medical examination on initial application and when aged 45 years, 50 years, 55 years, 60 years, 65 years and annually thereafter.
  - 9.2 In determining whether the applicant is physically and mentally fit to drive a hackney carriage or private hire vehicle, the Council will consider the medical report to assess

the fitness of applicant. The Council will also consider any relevant medical evidence of a qualified medical practitioner submitted by the applicant and may take such evidence into account when determining the application.

- 9.3 The Council applies the Group 2 medical standards applied by Driver and Vehicle Licensing Authority to taxi drivers. If an applicant fails to meet the Group 2 medical standard, the application will normally be refused. Where an existing licence holder develops a medical condition which means (s)he will not meet the Group 2 medical standard, the licence will normally be revoked or not renewed.
- 9.4 Appointments for examination by the recommended Health Physician will be made by the driver and all fees paid directly to them.

If applicants elect to be examined by their own doctor, the arrangements and fee should be made directly to the doctor. **The examination should NOT be arranged until after the application has been submitted as the appropriate form will be supplied by the Licensing Clerk.**

**Please Note: -**

- If the Health Physician needs to obtain records from the applicant's doctor and a fee is involved, such fee is the responsibility of the applicant.
- It is essential that a doctor gives an opinion that you either meet or do not meet the required standards for vocational drivers to be granted the licence. Some doctors do not feel able to give such an opinion. If they do not, it will be necessary for applicants to attend the Occupational Health Physician as well and this second examination will be at the applicant's expense
- It would be sensible to enquire of your doctor what his or her policy is.

**STATEMENT OF POLICY AND GUIDELINES FOR THE CONSIDERATION OF APPLICATIONS FOR JOINT HACKNEY CARRIAGE DRIVERS/PRIVATE HIRE DRIVERS LICENCES AND PRIVATE HIRE OPERATORS LICENCES**

***NOTE: In the Council's view this statement and the guidelines that follow are compatible with the rights and freedoms under the European Convention on Human Rights.***

***This policy was revised in March 2021***

**DELEGATIONS AND REFERRAL TO COMMITTEE**

1. This Policy is to be applied when making all decisions for the granting or suspension or refusal of a licence for a combined Hackney Carriage/Private Hire Driver's Licence and/or a Private Hire Operator's Licence ('a Licence').
2. Under the Council's Constitution the Licensing and Appeals Committee (the Committee) has responsibility for exercising the Council's powers relating to Hackney Carriages and Private Hire Licensing. However, the Constitution also allows for the Chief Executive, the Head of Public Protection, or the Licensing Manager to consider and determine applications for licences with the power to grant, revoke, or suspend such licences. All refusals shall be made by the Licensing and Appeals Committee.
3. The following paragraphs set out the way the delegations and procedure for the grant/suspension/revocation of a licence will be applied.
4. **No previous convictions/cautions** -Decision to grant made by the Chief Executive, Head of Public Protection, or the Licensing Manager.
5. **Minor Traffic Offences where total number of points is 9 or fewer**– Chief Executive, Head of Public Protection, or the Licensing Manager to consider in consultation with Chairman or Vice-Chairman and to grant or refer to Licensing and Appeals Committee
6. All convictions/cautions/offences, other than those dealt with under delegated powers in section 5 above, will be referred to the Committee unless it is considered that the nature and timing of these matters are such that they fall outside the relevant considerations in "the guidelines relating to the relevance of convictions" as set out later in this document. In all cases the Chief Executive, Head of Public Protection, or the Licensing Manager has the authority to refer any applications to the Committee if it is felt that the matters are of such merit as to require further consideration before a licence is granted
7. Members of the Licensing and Appeals Committee may depart from the revised policy at any time should they feel that the individual circumstances of a particular case warrant a different approach providing full reasons are given for that departure at the time.
8. **Medical Examinations:** All applicants are required to pass a medical examination. The presumption will be that any applicant who fails their medical examination will be refused a licence; any applicant wishing to pursue their application and who has failed their medical examination will be able to appeal to the Committee/or to the Magistrates Court

## **ROLE OF THE COMMITTEE**

1. For the purposes of its licensing functions, the Committee acts as an impartial quasi-judicial Licensing Authority. Its role is to determine whether licences should be granted, renewed or in cases where licensees fall below the standards required by the Authority, to revoke, suspend or warn those licensees.
2. In hearing cases, sufficient opportunity should be given to the applicant, and to the Council's licensing representative, to present their cases. The applicant is entitled to bring a friend or representative with them to support them in presenting their case or speak on their behalf. The hearing procedure is outlined below.
3. Both the applicant and the Council's licensing representative are open to cross-examination from each other and by the members of the Committee.
4. The cross-examination should take the form of questions only. It must be remembered that the purpose of the hearing is to hear both sides of the case and not to lecture the applicant, as regards the standard expected of him. If the applicant is found to be wanting in the standards expected, then the time for bringing this to his attention is after the Committee have made their determination.

## **HEARING PROCEDURE**

1. The Chairman will open the hearing and introduce the members of the committee and officers present.
2. The Chairman will ask the applicant and his/her representative to introduce themselves and state whether they intend to call witnesses.
3. The Chairman will remind (if necessary) the applicant that he/she can be represented by a legal representative at his/her own expense.
4. The Chairman will summarise the reason for the hearing.
5. The Chairman will ask the applicant or his/her representative to present his/her case and call any witnesses and the applicant may ask questions of officers present.
6. The Chairman will invite members of the Committee, the Council's representative and the Legal Adviser to the Committee to ask questions of the applicant/representative and witnesses to clarify any of the points made.
7. The Chairman will invite the Council's representative to sum up.
8. The Chairman will invite the applicant/representative to sum up.
9. The Chairman will ask the applicant/representative to confirm that he/she has said all he/she wishes to.
10. The Chairman will confirm with the members that they have all the information they require to properly consider the matter.

11. The applicant and other parties present will leave the meeting so that the Committee can consider the matter in private.
12. The Clerk and Legal Adviser will remain to advise the members.
13. If either the Council's representative or the Applicant/his/her representative is asked to clarify any of the points made, both parties must be present.
14. When the Committee has reached its decision, the Council's representative and the applicant/representative will be invited back into the room. The Chairman will advise of the decision and the reason(s) for reaching it.
15. The Chairman will inform the applicant of the date on which the decision will take effect, that it will be confirmed in writing within 5 working days and of any right of appeal.

**An appeal to the Magistrates Court must be lodged within 21 days of the date on which written confirmation of the decision is received by the applicant.**

### **Nottinghamshire Hackney Carriage and Private Hire Convictions and Fitness Policy**

#### **1 Introduction**

- 1.1 This policy provides guidance to the Licensing and Appeals Committee and to officers with delegated authority to issue licences on the criteria to take into account when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a Hackney Carriage and/or Private Hire driver or Operator Licence. Any decision made by the Licensing and Appeals Committee will be made on the balance of probabilities and not beyond all reasonable doubt.
- 1.2 It is the responsibility of Broxtowe Borough Council (referred to as the Council) to issue Hackney Carriage and Private Hire licences under the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847. In exercising this duty the Council will consider the safety of the public as its primary consideration.
- 1.3 In seeking to safeguard the public, the Council will seek to ensure:
  - That a person is a fit and proper person in accordance with Sections 51, 55 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II)
  - That the person does not pose a threat to the public
  - That the public are safeguarded from dishonest persons
  - The safety of children, young persons and vulnerable adults
- 1.4 The term 'Fit and Proper Person' for the purposes of licensing is not legally defined and in assessing whether someone may be fit and proper the Council will consider the following, and take any other relevant information into account:
  - Criminality
  - Human Rights
  - Period of holding a driver's licence



- Number of endorsed driving licence penalty points
- Right to work
- Medical fitness
- Driving ability test
- The fitness and propriety of Private Hire Operators, ensuring the business is run in a safe and professional manner, having regard to management controls, compliance with the law and that drivers are properly monitored to ensure that they behave in an appropriate manner and comply with their duties and responsibilities, including the monitoring of drivers hours
- The conduct of the applicant in making the application (e.g. whether they have acted with openness and integrity during the application process).
- The previous licensing history of existing / former licence holders and any complaints made against them and investigated by any local authority licensing service

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

- 1.5 This policy provides guidance to any person with an interest in taxi and private hire licensing. In particular, but not exclusively:
- Applicants for a driver's licence
  - Existing licensed drivers whose licences are being reviewed
  - The holders of Private Hire Operators licences
  - Licensing officers
  - Members of the licensing committee/sub-committee
  - Magistrates hearing appeals against local authority decisions
- 1.6 In considering this guidance the Council will be mindful that each case must be considered on its individual merits and, where the circumstances demand, the committee may depart from the guidelines. Where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction [Nottingham City v Mohammed Farooq (1998)]
- 1.7 In this policy the word 'Conviction' is to be defined as including convictions, cautions, warnings, reprimands, fixed penalty notices and other relevant information. In this policy 'from date sentence has ended' is taken to be the date which is reached once the whole of the period as sentenced by the court has elapsed and not necessarily the length of time served by the applicant. For example, if a sentence is five years imprisonment then the date that the sentence ends will be five years from the date of sentencing – regardless of the amount of time actually served by the applicant. If the sentence is amended by a court at a later date, then this new sentence becomes relevant for the purposes of this policy. The term 'since completion of sentence' is to be construed in a similar way.
- 1.8 In this policy the word applicant refers to either new applicants or those existing licence holders who are seeking renewal, or when offences have come to light of existing licence holders.

## **2 General Policy**

- 2.1 Whilst the Council may consider that a person with a conviction for a serious offence may not need to be automatically barred from obtaining a licence, it is however to be normally expected that the applicant would be required to:
- a. Remain free of conviction for an appropriate period as detailed below; and
  - b. Show adequate evidence that they are a fit and proper person to hold a licence (the onus will be on the applicant to produce such evidence).

Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.

- 2.2 The Council may depart from this policy if good reasons exist. The otherwise good character and driving record of the applicant or licence holder will not ordinarily be considered as exceptional circumstances

### **2.3 Outstanding Charges or Summonses**

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

### **2.4 Non-conviction information**

If an applicant has, on one occasion, been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration should be given to refusing the application.

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

- 2.6 Where an applicant has had a Hackney Carriage/Private hire driver's licence revoked by another local authority, the Council will not normally grant a licence until at least twelve months has elapsed since the revocation

## **3. Powers**

- 3.1 Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allow the licensing authority to suspend, revoke or refuse to renew a licence if:
- 3.1.1 the application/licence holder has been convicted of an offence involving dishonesty, indecency, violence;
  - 3.1.2 failure to comply with the provisions of the Town Police Clauses Act 1847;
  - 3.1.3 failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976;
  - 3.1.4 or any other reasonable cause.
- 3.2 Section 62 of the Local Government (Miscellaneous Provisions) Act 1976 allows the Licensing Authority to suspend, revoke or refuse to renew an Operator's Licence on any of the following grounds: -

- 3.2.1 any conviction under or failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976;
  - 3.2.2 any conduct on the part of the Operator which renders him/her unfit to hold an Operator's Licence;
  - 3.2.3 any material change since the licence was granted in any of the circumstances of the Operator on the basis of which the licence was granted;
  - 3.2.4 that the Operator has, since the grant of the Licence, been convicted of an immigration offence (unless spent) or required to pay an immigration penalty (unless paid in full within 3 years);
  - 3.2.5 any other reasonable cause.
- 3.3 The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended, allows the licensing authority to take into account all convictions recorded against an applicant or the holder of a Private Hire Vehicle or Hackney Carriage driver's licence, whether spent or not. Therefore, the licensing authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending. In accordance with this Act, all convictions, cautions, warnings and reprimands must be declared by the Applicant.
- 3.4 Under the provisions of Sections 51, 55 and 59, Local Government (Miscellaneous Provisions) Act 1976, the licensing authority is required to be satisfied that an applicant for the grant or renewal of a Hackney Carriage and/or a Private Hire Vehicle driver's licence and/or Private Hire Vehicle Operator's licence is a fit and proper person to hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the licensing authority will consider:
- 1. How relevant the offence(s) are to the licence being applied for
  - 2. How serious the offence(s) were
  - 3. When the offence(s) were committed
  - 4. The date of conviction
  - 5. Circumstances of the individual concerned
  - 6. Sentence imposed by the court
  - 7. The applicant's age at the time of conviction
  - 8. Whether they form part of a pattern of offending
  - 9. Any other character check considered reasonable (e.g. personal references)
  - 10. Any other factors that might be relevant, for example:
    - (a) The previous conduct of an existing or former licence holder,
    - (b) Whether the applicant has intentionally misled the council or lied as part of the application process,
    - (c) Information provided by other agencies / council departments.

It may also be appropriate to consider the sentencing powers engaged by the court in disposing of criminal proceedings and Judges reasons for coming to that decision.

- 3.5 Existing holders of driver's licences are required to notify the licensing authority in writing within seven days of receiving a driving licence endorsement, fixed penalty notice or criminal conviction (including cautions). Failure to do so will raise concerns as to the honesty of the licence holder and may be taken into account as part of any subsequent renewal applications or reviews.

- 3.6 Applicants can informally discuss further what effect a caution/conviction may have on any application or existing licence by contacting the Licensing Service on 0115 917 3241 in confidence for advice. The Council will not be bound by any advice given and reserves its full powers.
- 3.7 The Council conducts enhanced disclosures from the DBS of any applicant for a driver's licence. Applicants applying for the grant or a renewal of a driver's licence will be required to obtain an enhanced disclosure at their expense, or subscribe to the update service and also at other times as determined by the Council (annual)
- 3.8 The Council is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the Council or other licensing authorities, and information disclosed by the police.
- 3.9 It is an offence for any person knowingly or recklessly to make a false statement or to omit any material particular in giving information required by the application for a licence. (Section 57(3) Local Government (Miscellaneous Provisions) Act 1976). Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.
- 3.10 For renewal applications and current licence holders the guidance will not be applied retrospectively. The policy will be applied if any additional convictions are incurred or brought to the attention of the Council that would call into question a person's suitability to hold a licence.
- 3.11 Any offences not covered by this Policy will not prevent the Council from taking into account the offences.

#### **4 Policy on immediate revocation/suspension of driver's licence**

- 4.1 If the Council decides to revoke or suspend a driver's licence, it will then have to consider whether that revocation/suspension should take immediate effect under Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.
- 4.2 The Council only has the power to resolve that the revocation/suspension will take immediate effect if it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect. The interest of public safety is not defined and is for the Council to determine. However, regard will be had to any risks to public safety arising from concerns about the licence-holder's driving standards, his character including but not limited to dishonesty, violent behaviour, involvement in drink or drugs, inappropriate sexual conduct, any relevant previous convictions and any other matters the Council may deem relevant.
- 4.3 Before reaching a decision, in most cases and where practical, the Council shall give the licence holder the opportunity to make representations as to whether or not the revocation/suspension will take immediate effect.
- 4.4 The overriding consideration shall always be the safety and protection of passengers and the general public.

- 4.5 Matters such as unemployment and home circumstances should not be taken into account when determining whether the revocation or suspension will take place immediately and therefore shall not outweigh the public safety factor.
- 4.6 Where the Council has decided that a licence-holder is no longer fit and proper to hold a licence, for reasons of public safety, the presumption will be that the revocation of the licence shall have immediate effect.
- 4.7 If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, the Council will give notice to the driver, which includes a statement to that effect and an explanation why, the suspension or revocation takes effect when the notice is given to the driver.

#### **4.8 Appeals**

Any applicant refused a driver's licence, or who has their licence suspended or revoked on the grounds that the licensing authority is not satisfied they are a fit and proper person to hold such a licence has a right to appeal to the Magistrate's Court within 21 days of the notice of refusal [Local Government (Miscellaneous Provisions) Act 1976, s77 (1)].

#### **5. Considerations given to Offences**

This section deals with the types of offences and applies to **new and renewal applications**, and upon **review** of a current licence.

##### **5.1 Serious offences involving violence**

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

##### **5.1(a) Exploitation**

Where an applicant or licence holder has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not normally be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse. Such offences include but are not limited to:

1. Slavery
2. Trafficking
3. Child sexual abuse
4. Exploitation
5. Grooming
6. psychological, emotional or financial abuse
7. Kidnapping or abduction
8. Or any similar offences (Including attempted or conspiracy to commit) offences which may replace the above

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

1. Murder
2. Manslaughter
3. Manslaughter or culpable homicide while driving
4. Terrorism offences
5. Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

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

1. Arson
2. Malicious wounding or grievous bodily harm which is racially aggravated
3. Actual bodily harm which is racially aggravated
4. Grievous bodily harm with intent
5. Robbery
6. Possession of firearm
7. Riot
8. Assault Police
9. Common assault with racially aggravated
10. Violent disorder
11. Threats to kill
12. Resisting arrest
13. Hate crime against a person
14. Or any similar offences (including attempted or conspiracy to commit offences) which replace the above.

#### 5.4 **Discrimination**

A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the offences below and at least **5 years** have passed since the completion of any sentence and/or licence period:

1. Racially-aggravated criminal damage
2. Racially-aggravated offence
3. **Hate crime against a person or persons**
4. Hate crime against property
5. Or any similar offences (including attempted or conspiracy to commit offences) which replace the above.

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

1. Common assault/Battery
2. Assault occasioning actual bodily harm
3. Affray

4. S5 Public Order Act 1986 offence (harassment, alarm or distress)
5. S.4 Public Order Act 1986 offence (fear of provocation of violence)
6. S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
7. Obstruction
8. Criminal damage
9. Harassment
10. Offences involving anti-social behaviour
11. Or any similar offences (including attempted or conspiracy to commit offences) which replace the above

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

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

### **5.8 Possession of a weapon**

If an applicant has been convicted of possession of a weapon or any other weapon related offence, depending on the circumstances of the offence, at least **7 years** must have passed since the completion of the sentence, before a licence is granted.

### **5.9 Sexual and indecency offences**

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

Such offences include:

1. Rape
2. Assault by penetration
3. Offences involving children or vulnerable adults
4. Grooming, Trafficking or other Sexual Exploitation related offences (adults and/or children)
5. Making or distributing obscene material
6. Possession of indecent photographs depicting child pornography.
7. Sexual assault
8. Indecent assault
9. Exploitation of prostitution
10. Any similar offences (including attempted or conspiracy to commit offences) which replace the above
11. Making indecent telephone calls
12. Importuning
13. Indecent exposure
14. Soliciting (kerb crawling)
15. Any similar offences (including attempted or conspiracy to commit offences) which replace the above.

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

### **5.11 Dishonesty**

A licensed driver is expected to be trustworthy. In the course of their working duties drivers will deal with cash transactions and valuable property may be left in their vehicles. Drivers may well deal with customers who are vulnerable or intoxicated and potentially easily confused. For these reasons, a serious view is taken of any conviction involving dishonesty.

5.12 Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed. Offences involving dishonesty include but are not limited to:

1. Theft
2. Burglary
3. Fraud
4. Benefit fraud
5. Handling or receiving stolen goods
6. Forgery
7. Conspiracy to defraud
8. Obtaining money or property by deception
9. Other deception
10. Taking a vehicle without consent
11. Or any similar offences (including attempted or conspiracy to commit offences) which replace the above

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

### **5.14 Alcohol and Drugs**

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

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

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

5.17 A licence will not normally be granted where the applicant has more than one conviction for offences related to the supply of drugs and has not been free of conviction for 10 years.



- 5.18 A licence will not normally be granted where the applicant has more than one conviction for offences related to the possession of drugs and has not been free of conviction for 5 years.
- 5.19 An application from an applicant who has an isolated conviction for an offence related to the possession of drugs within the last 3-5 years may be granted a licence, but consideration should be given to the nature and quantity of the drugs.
- 5.20 If there is evidence of persistent drug use, misuse or dependency, a specialist examination (in accordance with the DVLA group two medical standards) may be required before the licence is granted. If the applicant was an addict, then they would normally be required to show evidence of 5 years free from drug taking after detoxification treatment.

### 5.21 Driving offences involving the loss of life

A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life. A licence will not normally be granted if the applicant has a conviction for:

1. Causing death by dangerous driving
2. Causing death by careless driving whilst under the influence of drink or drugs
3. Causing death by driving: unlicensed, disqualified or uninsured drivers
4. Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

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

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

### 5.23 Driving offences involving alcohol and/or drugs

A serious view will be taken of convictions of driving, or attempting to drive, or being in charge of a vehicle while under the influence of drink or drugs. **Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed**

**In the case of driving under the influence of drugs, any applicant or licence holder may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.**

- 5.24 More than one conviction for this type of offence or one such offence within the last **7 years** is likely to merit refusal. In addition, applicants will normally be required to show a period of at least **7 years** has elapsed after completion of detoxification treatment if (s)he was an alcoholic or drug addict.

## **5.25 Major Traffic Offences**

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

- 5.26 In cases of disqualification at least 3 years free from conviction after the restoration of the DVLA licence should normally elapse before an applicant is granted a licence.
- 5.27 Where an applicant has been convicted of a major traffic offence which has not resulted in disqualification, careful consideration should be given to the circumstances surrounding the offence. An application for a licence will normally be refused where the offence occurred less than 2 years prior to the application.
- 5.28 Where an existing licence holder is disqualified from driving as a result of a conviction for a major traffic offence, the licence will normally be revoked.
- 5.29 Where an existing licence holder is convicted of a major traffic offence, but the licence-holder is not disqualified from driving, the licence should normally be revoked or not renewed and any subsequent application for a new licence will be determined in accordance with the guidance above.
- 5.30 A list of offences to which this section applies is attached as Schedule two

## **5.31 Minor Traffic Offences**

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

- 5.32 An application with a points total above 7 will merit further consideration. A licence will normally be refused where the applicant has 12 or more penalty points on his DVLA licence for minor traffic offences but has not been disqualified from driving.
- 5.33 Where an offence has resulted in the applicant being disqualified from driving for a period of time this will normally be taken as reflecting seriously on the applicant's driving standard.
- 5.34 Generally, a period of 12 months free from conviction must have elapsed from the restoration of the DVLA licence.
- 5.35 Where an existing licence holder is disqualified from driving the licence will normally be revoked by the Chief Executive or Head of Public Protection under delegated powers.

### **5.36 Using a Hand-held Device Whilst Driving**

**Where an applicant has a conviction for using a hand held mobile phone or a hand held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later**

5.37 A list of offences to which this section applies is attached as Schedule three

### **5.38 Totting Up Disqualifications**

5.39 Where a number of traffic offences has resulted in a driver receiving 12 penalty points or more on his/her licence the driver will be disqualified from driving unless the Court is satisfied that exceptional hardship would be suffered by an individual if disqualified. This is known as a “totting-up” disqualification. Where an applicant has a totting-up disqualification an application will usually be refused until a period of between 12 months and 2 years has lapsed from the restoration of the DVLA licence depending on the seriousness of the offences which led to the totting up.

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

### **5.41 Hybrid traffic offences**

Offences of the type listed in Schedule four will be treated as major traffic offences if the court awarded 4 or more penalty points for the offence and as minor traffic offences if the court awarded 3 or less penalty points for the offence.

5.42 Any applicant who has committed an offence of plying for hire within 6 months of their application will normally be refused a licence. Any existing licence holder found to have committed this offence will be judged on the circumstances of the case, and at the least suspension of the licence should be considered. Where a driver is convicted on more than one occasion the licence may be revoked or not granted. Consideration will be taken if the offence of plying for hire was accompanied by the fact that at the time there was no insurance cover in place for the vehicle in line with 5.46 below. It will be up to the applicant to prove that there was valid insurance in place at the time of the offence.

### **5.45 Insurance Offences**

A serious view will be taken of convictions of driving a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided he/she has been free of conviction for 3 years. However, strict warning should be given as to future behaviour. More than one of these offences would normally prevent a licence being granted or renewed. Isolated incidents associated with a licensing offence will not necessarily prevent a licence being granted or renewed. Each case will be considered on its merits.

5.46 At least 3 years should elapse (after restoration of the DVLA driving licence), before a licence would normally be granted for a hackney carriage or private hire drivers licence. An operator found guilty of aiding and abetting the driving of passengers for

hire and reward whilst without insurance will have his operator's licence revoked immediately and prevented from holding a licence for 3 years

### **Relevant Convictions Policy - Schedule One**

SENTENCES AVAILABLE TO THE MAGISTRATES' COURT FOR OFFENDERS AGED 18 AND OVER [*in ascending order*]

1. **Absolute and Conditional Discharge** - either discharge completely or subject to the offender committing no further offences for a certain period.
2. **Bind Over** - bind over to keep the peace.
3. **Compensation** [up to £5,000] – payment to compensate the victim of the crime for loss, injury or suffering.
4. **Fine** [up to £5,000 more if specified for certain offences] – financial penalty.
5. **Community Order** – a court may pass on an offender a community order of a low, medium or high level. The order must have one or more of the following requirements:
  - an unpaid work requirement
  - an activity requirement
  - a programme requirement
  - a prohibited activity requirement
  - a curfew requirement
  - an exclusion requirement
  - a residence requirement
  - a mental health treatment requirement
  - a drug rehabilitation requirement
  - an alcohol treatment requirement
  - a supervision requirement
  - an attendance centre requirement – if the offender is under 25

NB offences committed before 4 April 2005 are dealt with by way of old style community orders:

- I. Community Rehabilitation Order
  - II. Community Service Order
  - III. Combination Order
  - IV. Attendance Centre – under 21s only
  - V. Drug Treatment and Testing Order
6. **Short Detention** – usually for a day or a few hours defendant must be detained in the court house or local police station
  7. **Suspended sentence Order** – a period of imprisonment/detention is imposed but suspended for a period up to two years. The order must include one or more of the requirements listed above. For pre 4 April 2005 offences an old style suspended sentence can be given.

8. **Detention in Young Offenders Institution** - under 21 only
9. **Imprisonment** - over 21 only
10. **Ancillary Orders** may be imposed in relation to certain convictions in addition to a usual penalty for example Anti-Social Behaviour Orders, Football Banning Orders, Drink banning Orders, Disqualification from driving.

## **Relevant Convictions Policy - Schedule Two**

### **MAJOR TRAFFIC OFFENCES**

- AC10 Failing to stop after an accident  
 AC20 Failing to give particulars or to report an accident within 24 hours  
 AC30 Undefined accident offences
- BA10 Driving while disqualified by order of court  
 BA30 Attempting to drive while disqualified by order of court  
 BA40 Causing death by driving while disqualified\*  
 BA60 Causing serious injury by driving while disqualified
- CD10 Driving without due care and attention  
 CD20 Driving without reasonable consideration for other road users  
 CD30 Driving without due care and attention or without reasonable consideration for other road users  
 CD40 Causing death through careless driving when unfit through drink \*  
 CD50 Causing death by careless driving when unfit through drugs \*  
 CD60 Causing death by careless driving with alcohol level above the limit \*  
 CD70 Causing death by careless driving then failing to supply a specimen for analysis \*  
 CD80 Causing death by careless or inconsiderate driving \*  
 CD90 Causing death by driving: unlicensed, disqualified or uninsured drivers \*
- DD40 Dangerous driving  
 DD60 Manslaughter or culpable homicide while driving a vehicle \*  
 DD80 Causing death by dangerous driving \*  
 DD90 Furious driving  
 DG60 Causing death by careless driving with drug level above the limit\*

**The above offences marked \* are dealt with in the section entitled driving offences involving the loss life**

- DR10 Driving or attempting to drive with alcohol level above limit +  
 DR20 Driving or attempting to drive while unfit through drink +  
 DR31 Driving or attempting to drive then refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity  
 DR40 In charge of a vehicle while alcohol level above limit +  
 DR50 In charge of a vehicle while unfit through drink +  
 DR60 Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive  
 DR61 Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive +  
 DR70 Failing to provide specimen for breath test  
 DR80 Driving or attempting to drive when unfit through drugs +

DR90 In charge of a vehicle when unfit through drugs +  
DG10 Driving or attempting to drive with drug level above the specified limit+  
DG40 In charge of a vehicle while drug level above the specified limit+

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

IN10 Using a vehicle uninsured against third party risks

LC20 Driving otherwise than in accordance with a licence  
LC30 Driving after making a false declaration about fitness when applying for a licence  
LC40 Driving a vehicle having failed to notify a disability  
LC50 Driving after a licence has been revoked or refused on medical grounds

MS50 Motor racing on the highway

UT50 Aggravated taking of a vehicle

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

### **Relevant Convictions Policy - Schedule Three MINOR TRAFFIC OFFENCES**

CU10 Using vehicle with defective brakes  
CU20 Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition  
CU30 Using a vehicle with defective tyre(s)  
CU40 Using a vehicle with defective steering  
CU50 Causing or likely to cause danger by reason of load or passengers  
CU80 Using a mobile phone while driving a vehicle

MS10 Leaving a vehicle in a dangerous position  
MS20 Unlawful pillion riding  
MS30 Play street Offences  
MS40 Driving with uncorrected defective eyesight or refusing to submit to a test  
MS60 Offences not covered by other codes  
MS70 Driving with uncorrected defective eyesight  
MS80 Refusing to submit to an eyesight test  
MS90 Failure to give information as to the identity of driver etc.

MW10 Contravention of Special Road Regulations (excluding speed limits)

PC10 Undefined contravention of Pedestrian Crossing Regulations  
PC20 Contravention of Pedestrian Crossing Regulations with moving vehicle  
PC30 Contravention of Pedestrian Crossing Regulations with stationary vehicle

SPI0 Exceeding goods vehicle speed limit  
SP20 Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)  
SP30 Exceeding statutory speed limit on a public road

SP40 Exceeding passenger vehicle speed limit  
SP50 Exceeding speed limit on a motorway  
SP60 Undefined speed limit offence

TS10 Failing to comply with traffic light signals  
TS20 Failing to comply with double white lines  
TS30 Failing to comply with a "Stop" sign  
TS40 Failing to comply with direction of a constable/ warden  
TS50 Failing to comply with traffic sign (excluding "Stop" sign, traffic lights or double white lines)  
TS60 Failing to comply with school crossing patrol sign  
TS70 Undefined failure to comply with a traffic direction sign

#### **Relevant Convictions Policy - Schedule Four HYBRID TRAFFIC OFFENCES**

CU10 Using vehicle with defective brakes  
CU20 Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition  
CU30 Using a vehicle with defective tyre(s)  
CU40 Using a vehicle with defective steering  
CU50 Causing or likely to cause danger by reason of load or passengers

SP10 Exceeding goods vehicle speed limit  
SP20 Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)  
SP30 Exceeding statutory speed limit on a public road  
SP40 Exceeding passenger vehicle speed limit  
SP50 Exceeding speed limit on a motorway  
SP60 Undefined speed limit offence

Other non-endorsable motoring offences i.e. no MOT

#### NOTE

All offences in Schedules Two to Four may also have the following codes:

Aiding, abetting, counselling or procuring  
Offences as coded above, but with 0 changed to 2 (e.g. CU10 becomes CU12)

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

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

**Code of Conduct When working with Vulnerable Passengers**

A vulnerable passenger is a passenger whose age or disability means that they are more susceptible to harm than a typical passenger. This may be a child, an elderly person or somebody with learning difficulties, for example. When working with vulnerable persons the following points should be observed:

- Drivers should carry photo ID at all times, and wear it in accordance with the conditions of licence.
- The driver / operator must confirm that appropriate provision has been made for the vulnerable person prior to accepting the booking or commencing the journey. This does not necessarily mean that the driver / operator is responsible for the provision of appropriate measures, however they should check that they are in place.
- When making a journey with vulnerable passengers, photo-identification should be produced to the carer responsible for the vulnerable person. If necessary, you should obtain a record of the carer's contact details if there is no chaperone.
- If a vulnerable passenger is refused service a responsible person should be informed so that alternative arrangements can be made. For example, this situation may arise if the customer has an assistance dog and the driver has a medical exemption granted by the council.
- Always ask if a vulnerable passenger needs help, do not assume.
- Drivers should remain professional at all times and should not:
  - Touch a vulnerable person inappropriately
  - Make offensive or inappropriate comments (such as the use of swearing or sexualised or discriminatory language)
  - Behave in a way that may make a vulnerable passenger feel intimidated or threatened
  - Attempt to misuse personal details obtained via the business about a vulnerable person.
- A log should be maintained by drivers when a service has been provided to a vulnerable passenger including the details of any incidents occurring / actions taken or refusals of service.
- If you are concerned about the safety, welfare or behaviour of a vulnerable person, you should report this to the police by telephoning 101 (or in appropriate cases by calling 999).

If you are concerned about someone else's conduct, you should report your concerns to the police (101) or Crimestoppers (0800 555111) or the Safeguarding hub on 0300 500 80 90.

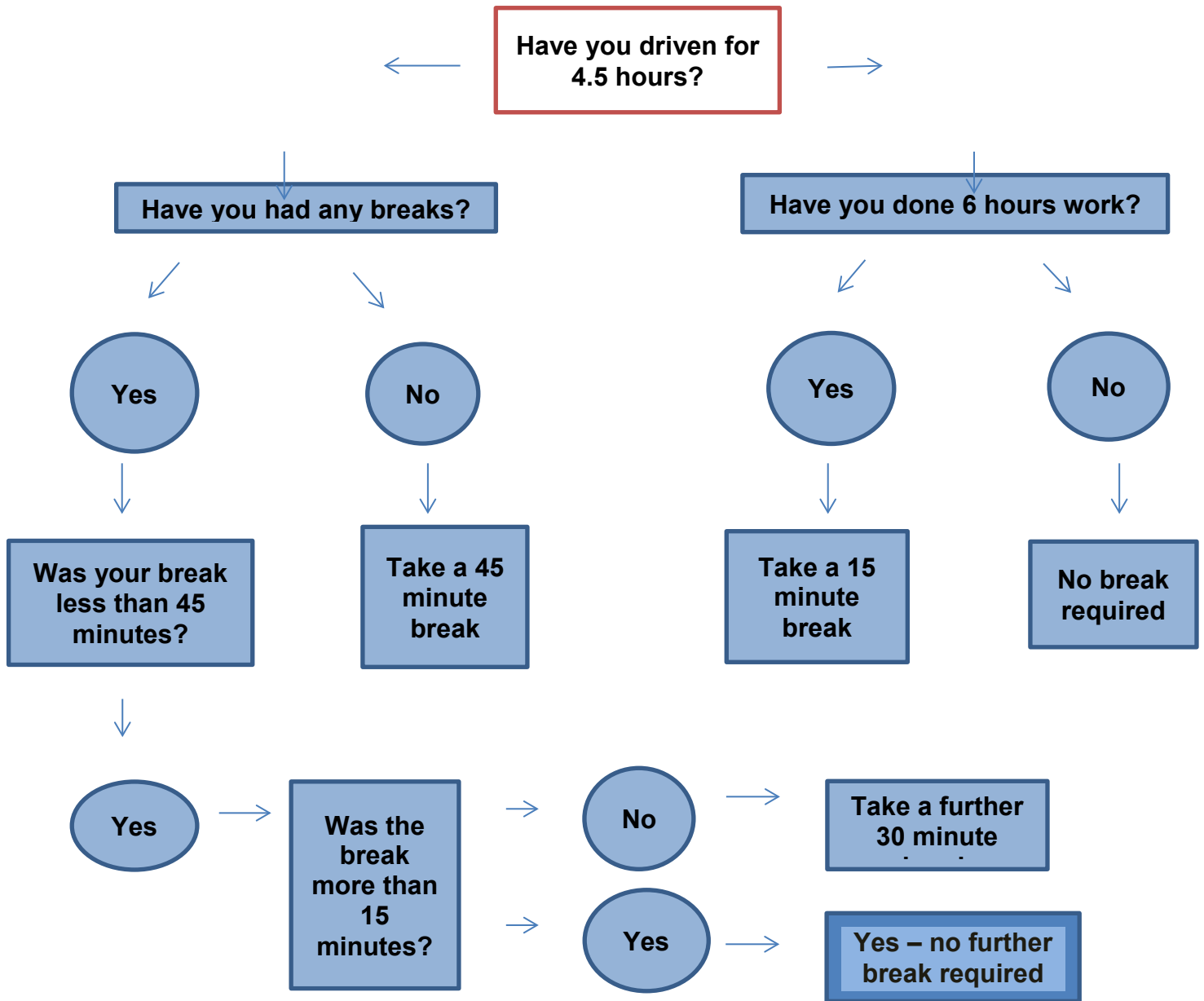


**Hackney Carriage and Private Hire Driver Conditions**

1. The driver's licence issued by the Council shall cover the driving of both hackney carriage and private hire vehicles.
2. The driver shall, at all times when driving a vehicle, wear in a conspicuous position, the driver's badge issued to him by the Council.
3. The driver shall ensure that the current licence plates granted in respect of that vehicle and showing that vehicle's registration number are clearly displayed as prescribed to the front and rear of the vehicle.
4. The driver shall, when hired to drive to any particular destination, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
5. The driver shall not convey in the vehicle any greater number of persons (regardless of age or size) than the number of persons, exclusive of the driver, specified on the plates attached to the outside of the vehicle. The carrying of passengers' pets shall be at the driver's discretion. This discretion does not apply to guide dogs for the blind, hearing dogs and certain other assistance dogs - "Dogs for the Disabled", "Support Dogs" and "Canine Partners for Independence" which shall be carried free of charge (please see enclosed leaflet). No other animal shall be carried in the vehicle other than one in the custody of a passenger.
6. The driver shall not allow more than one passenger to be conveyed in the front of the vehicle unless specified in a seating plan agreed with the Licensing Department  
  
No child (person under fourteen years of age) shall be conveyed in the front of the vehicle unless properly restrained.
7. The driver shall not, without the consent of the hirer of the vehicle, convey or permit to be conveyed any other person.
8. The driver shall take all reasonable precautions to ensure the safety of the persons conveyed in, or entering or alighting from the vehicle, and shall at all times behave in a civil and orderly manner and be clean and respectably dressed.
9. The driver shall, when requested by the hirer, convey a reasonable quantity of luggage, and afford reasonable assistance with the loading and unloading and removal thereof to the entrance of any house or place at which he may take up or set down the hirer, without any additional charge.
10. The driver shall not, without the express consent of the hirer drink or eat in the vehicle whilst it is being hired and shall not consume alcohol under any circumstances.  
  
Smoking is not permitted in a licensed vehicle.
11. The driver shall 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.

12. The driver shall at no time cause or permit the noise emitted by any radio or previously mentioned equipment in the vehicle which he is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.
13. The driver shall, immediately after the termination of any hiring, or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left therein, and upon finding such property, take it to the Council Offices or the nearest police station as soon as practicable and in any case within 24 hours.
14. The driver shall not tamper with or permit or cause any person to tamper with any taxi meter with which the vehicle is provided.
15. The driver shall not assign or in any way part with the benefit of the licence. It is personal to the licensee.
16. While acting as a driver of a hackney carriage and plying for hire, the driver shall charge and cause to be paid the fare calculated at the rate set out in the table of fares determined from time to time by the Council (subject to discount at his discretion).
17. The driver of a hackney carriage, when using a rank provided by the Council, shall station the carriage immediately behind the carriage or carriages in the rank so as to face the same direction and from time to time, when any other carriage immediately in front is driven off or moved forward, cause his carriage to be moved forward so as to fill the space previously occupied by the carriage driven off or moved forward.
18. A hackney carriage that is mechanically unable to proceed shall be removed from a rank as soon as is practically possible.
19. The driver of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for that purpose.
20. In the event of the sudden death of a passenger, the driver is required to notify the emergency services immediately and the Licensing Clerk at the earliest opportunity.
21. Where a pre-booked journey is undertaken, the driver shall attend at the appointed time and place punctually, unless delayed or prevented by some sufficient cause.
22. If the driver attaches himself or any vehicle to an operator, he will give a copy of his licence and any vehicle licence in his control to the operator.
23. The driver shall give notice to the Council, within two working days, of any change of address.
24. **The driver shall, within 48 hours, disclose in writing to the Council details of any arrest and release, charge or conviction of any sexual offence, any other criminal offence and any motoring offence.**

25. The driver shall disclose to the Council within five days in writing details of any serious illness or injury (for example, heart attack, stroke, broken limbs, etc.) sustained and may be required to undergo an additional medical examination or produce written confirmation from his own medical practitioner or hospital consultant as to his continued fitness to drive a public conveyance.
26. The driver shall inform the Council within seventy-two hours of any accident in which he and his licensed vehicle have been involved.
27. The driver shall inform the Council within two working days of any change of operator he is attached to or ceases to be attached to.
28. The driver shall, upon the request of the passenger, issue a written receipt for the fare paid for the journey.
29. The driver shall display prominently within the cab a notice including the licence number of the vehicle advising passengers whom they should contact at the Council in the event of their being dissatisfied with the service provided.
30. When driving a private hire vehicle, the driver shall not: -
  - (i) permit it to wait on a rank appointed for hackney carriage nor accept an offer for immediate hire while the vehicle is on the road or other public place; or
  - (ii) tout or solicit on a road or other public place any person to hire or be carried in the vehicle; or
  - (iii) permit, cause or procure any other person to tout or solicit on a road or other place any person to hire or be carried in the vehicle.
31. Prior to the expiry of a licence a reminder will be sent to drivers. Only one reminder will be sent. Renewal paperwork should be submitted without delay. If the licence has not been renewed by the expiry date a notice of cancellation will be sent and the driver shall immediately return the badge to the Council. It is the driver's responsibility for renewal of the driver's licence. Please note it is an offence to drive after the expiry date.
32.
  - (a) No driver of a hackney carriage shall ply for hire outside the Council's area.
  - (b) No driver of a private hire vehicle shall ply for hire.
33. The driver, when in another Council's area, on being approached by any authorised officer of that Council, shall answer any reasonable questions and produce documents in relation to the driver and the vehicle as requested.



**REMEMBER TIREDNESS KILLS – TAKE A BREAK**

## Disclosure and Barring Service (DBS) Procedure and Declaration

Drivers will be provided with an application pack providing details of the DBS check process.

All applicants will be required to submit the evidence and completed application form for an Enhanced Disclosure. Once checked and approved by a member of the Council the form will be sent to the DBS.

The applicant **is required** to sign up to the DBS Update Service as this will allow the Council to undertake **six-monthly checks** (or more frequent checks if deemed appropriate) at a significantly reduced cost to the applicant.

The applicant will be sent a printed DBS disclosure certificate which they will be required to provide to the Licensing Section.

A licence will not be issued without the Council having viewed a copy of the DBS certificate.

Once a DBS certificate is received the applicant has period of 30 calendar days to subscribe to the DBS update service.

The Council requires all drivers to undergo a DBS **every six months** and upon renewal. Signing up to the DBS update service will enable the Licensing Authority to undertake this check on behalf of the applicant. **If this service is not subscribed to, it will be the responsibility of the applicant to ensure a DBS certificate is available on the relevant date.**

### Declaration

When submitting an application for the grant or renewal of a combined Hackney Carriage/Private Hire Vehicle Licence, applicants are required to declare any convictions they may have.

For the purpose of these guidelines, simple and conditional cautions, reprimands, warnings, endorsable fixed penalties, and any other offences should be declared and shall be treated as convictions for the purposes of these applications.

For convictions or fixed penalties for offences concerning the driving or keeping of a motor vehicle, relevant details are required for the five year period preceding the date of the application.

For criminal offences, details are required in respect of ALL offences no matter how old.

Applicants should be aware that as a consequence of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended, applicants for a licence are excluded from the provisions of the Rehabilitation of Offenders Act 1974 in relation to spent convictions.

The Council will in all cases verify an applicant's identity and require a criminal record check DBS to be undertaken. Where the check reveals that the applicant has a record of convictions or cautions and warnings the Licensing Authority will consider:

- The nature and seriousness of offence
- When the offence was committed

- The age of the applicant when the offence was committed
- Any other factors which might be relevant

The Council will seek intelligence and corroborate information provided within the applications forms from all 'approved sources' such as the Police, Statutory and non-Statutory Agencies, Social Services Alcohol and Drug Rehabilitation Units, Child Protection Agency, G. P's. etc.

All convictions will be considered in line with the Council's Policies and Guidelines for a Combined Hackney Carriage / Private Hire Vehicle Drivers Licences.

The applicant is required to inform the Council of any charges, warnings, convictions etc. during the period the licence is held. This must be as soon as practicably possible. Failure to do so within a reasonable period of time could result in the licence being reviewed.

Any applicant refused a driver's licence on the ground of previous criminal convictions will be informed in writing and given the opportunity to have that decision referred to an officer with the appropriate delegations and/or the Licensing and Appeals Committee where appropriate for it to be re-considered.

If the applicant is refused a licence on the grounds that he/she is not a fit and proper person to hold such licence he/she will be informed in writing and advised of his/her right of appeal to a Magistrates' Court. Any appeal must be made within 21 days of being notified of the Council's decision.

## Vehicle Application Process

1. Application forms are obtainable through the post by telephoning or writing to the Council Offices or by collecting them in person from the reception desk at the Council Offices, Foster Avenue, Beeston. Forms are also available on the Council's website, [www.broxtowe.gov.uk](http://www.broxtowe.gov.uk) (If applicants have difficulty in completing the forms, eg because of language difficulties, assistance will be provided). Application forms should be completed by applicants in their own hand and submitted with the following documents:-
  - a. Certificate of Insurance for public (hackney carriage) or private hire use as appropriate, giving the names of any additional drivers who must be licensed by Broxtowe Borough Council
  - b. Vehicle Registration Document. If the vehicle has been recently purchased and the registration document is at Swansea, the applicant must provide proof of ownership, i.e. receipted bill of sale, giving full details of the vehicle (including model, engine capacity, colour, chassis and engine numbers) and produce the registration document as soon as received.
  - c. MOT Certificate. For both hackney carriages and private hire vehicles an MOT Certificate is required after the **first year** of registration and thereafter.
  - d. A seating plan is required for a vehicle being licensed for more than four passengers
  - e. The appropriate fee for the licence.
  - f. A basic DBS Certificate (No older than 31 days) or permission to access the update service if the applicant is the holder of a current HC/PHV driver licence or a Private Hire Operator licence issued by Broxtowe Borough Council.

In addition:

- Any vehicle not manufactured with European Whole Vehicle Type Approval will be required to undergo Single Vehicle Approval (SVA) testing and evidence of that testing and the vehicle having obtained SVA produced to the licensing office.

## 2. Conditions

- a. Licence plates for vehicles under 5 years are issued annually. Following a successful examination of the vehicle, new plates will be issued. The old plates must be surrendered before new plates will be released. When a vehicle has reached the age of 5 years it will, on the next renewal, be licensed on a six monthly basis. Subject to the vehicle successfully passing the examination, the vehicle will continue to be renewed up to the age of 8 years. Vehicles over the age of 8 years will no longer be licensed by the council unless they are wheelchair accessible. Wheelchair accessible vehicles will be renewed up to the age of 10 years.
- b. If a licence is granted to you this will be subject to conditions. Standard conditions are contained in a later section of this booklet

## 3. Vehicle Examinations

On receipt of all the above matters, an appointment will be made for the vehicle to be inspected at Kimberley Works Depot. The vehicle should be fully prepared in advance for the examination. If it is for the renewal of a licence, the plate and the top-sign, if applicable, should be fixed in the proper manner. If the application is for a new hackney carriage licence, the top-sign should be fitted. A licence plate will be issued on successful completion of the examination.

**Please note:** Non-attendance for a vehicle inspection, not notified to the council prior to the arranged appointment will incur a re- inspection fee charged at the current rate.

- a. Applications for vehicle licences should ***NOT*** be submitted until you are sure the vehicle meets the required standard.

Reminders will be sent in good time before renewal is due. The reminder will include a date and time for the vehicle to be tested. Licence holders will be required to submit paperwork and the fee at least **seven days** prior to the inspection date which will be as close to the expiry date of the existing licence as possible. If it is impossible to make the appointed inspection our licensing staff will do their best to re-arrange this, but as much notice as possible is required.

If the application and confirmation of the inspection are not received in time it will be assumed that it is not intended to renew the licence which will be cancelled from its expiry date.

The licence plate must be returned immediately after expiry of the licence

**Please Note: Only one reminder will be sent.**

- b. IF THE VEHICLE FAILS THE INSPECTION a new licence will not be granted and an existing licence may be suspended or revoked. All defects must be rectified and the vehicle returned for re-inspection within seven days. Failure to comply will result in the revocation of the licence or refusal to grant it in the case of a new one. There may be a re-inspection charge.

In the case of new applications, a licence will not be granted to a vehicle older than five years from date of first registration. "Q" plates will not be accepted.

**Note:**

***Cars will not be inspected unless the engine, bodywork and interior of the cars have been cleaned.***



**DEFINITION OF “EXCEPTIONAL CONDITION”  
FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES**

The term “exceptional condition” is used to describe vehicles which are over an age limit set by the Council, but that can continue to be licensed because of their condition. Case law dictates that it is necessary to have such a coverall because it is illegal for a Local Authority to have a blanket policy for all vehicles that is inflexible. (See Sharpe v Nottingham City Council 1981)

Any Council, which imposes an age limit on its vehicles, must therefore be prepared to consider applications from vehicles in “exceptional condition”.

A vehicle of exceptional condition is one where the component i.e. mechanical, body panels, paint and trim are in exceptional condition irrespective of the age of the vehicle. It is essential that the image of an exceptional older vehicle upholds the standards normally set by a much younger vehicle.

Key items that will be considered when determining whether or not a vehicle meets the standard expected of vehicles in exceptional condition are set out below:

- 1. The underside condition of the vehicle does not show any signs of rusting or age, or deterioration.**
- 2. Mechanical condition is such that there should be no item that may show age, deterioration or cause or contribute to a less than safe, comfortable passenger ride.**
- 3. Bodywork should be in near perfect condition with no signs of panel age deterioration, dents or any other abrasions that may detract from the overall appearance of the vehicle.**
- 4. General paint condition should not show signs of fading, discolouration or mismatching and retain a finish generally found on much younger vehicles.**
- 5. Interior trims, panels, seating and carpets etc. should be of a condition that is free from frayed, discoloured faded or torn components.**
- 6. The passenger compartment should be free from damp or any other odours that may cause passenger discomfort.**

Ultimately, the decision on whether or not a car can continue to be licensed under the proviso that it is in “exceptional condition” would have to be judged on the merits of each vehicle. Consideration would also have to be given to the type of vehicle, engine size, mileage and the fact that it is going to be used as a licensed vehicle rather than a family saloon.

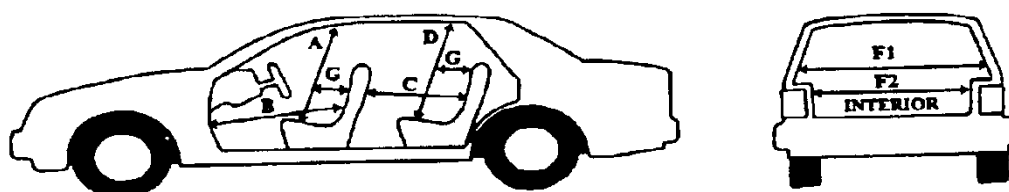
## Hackney Carriage and Private Hire Vehicle Specification

### A VEHICLE MUST HAVE:-

1. A minimum engine capacity of 1500cc and:
  - Diesel vehicles Euro 6 Compliant
  - Petrol vehicles Euro 5 Compliant
  - Zero emission vehicles Minimum 70 KW

**NOTE: Hybrid vehicles will still require a minimum 1500cc engine capacity**

2. Right hand drive.
3. Four passenger doors including the driver's door, except London-style cabs (Hackney Carriage only).
4. Seating
  - a. Seating should be for at least four, but not more than eight passengers in addition to the driver.
  - b. Rearward facing seats over or rearward of the rear wheels and axle(s) having normal access only through a rear door will not be permitted.
  - c. Folding or moving seats which are so constructed to provide access to other seats to which there is no direct access will not be permitted.
  - d. Sideway mounted seats will not be permitted.
5. Manufacturers gross vehicle weight for the tyres and suspension actually fitted to the vehicle must be sufficient for a minimum payload equal to a full fuel tank, the driver and the number of passengers for which a licence is requested (at 70kg per person) and luggage (at 20kg per passenger); and where propane or Liquid Petroleum Gas is used as the vehicle fuel, the weight of extra equipment must be within the gross weight limit).
6. Wheels and Tyres
  - (a) Four road wheels fitted with manufacturers recommended size tyres.
  - (b) A spare tyre in accordance with the manufacturer's specification
7. Dimensions



A	93cm/36" min	Cushion not compressed
B	96cm/37" min	Seat fully rearwards
C	61cm/24" min	Front seat fully rearward
D	84cm/33" min	Cushion not compressed
E	245cm/96" min	Wheelbase
F1	133cm/52" min	Interior width between doors
F2	122cm/48" min	Armrests
G	25cm/10"	Point of measurement parallel with squab
L	0.36 cu.m/12.7cu.ft (360Ltrs)	minimum luggage capacity (hard luggage)

8. A permanent roof which is watertight - a standard sun roof (i.e. sun roof fitted when new by manufacturer).
9. A separate locking luggage area (i.e. boot), or in the case of an estate vehicle, a permanent grille fitted sufficient to prevent luggage carried in the rear compartment from coming into contact with persons using the rear seat.
10. Seat belts for all passengers and drivers including rear irrespective of the age of the vehicle.
11. Nearside and offside exterior rear view mirrors.
12. Sufficient means by which a passenger can communicate with the driver.
13. An appropriate taxi meter (hackney carriages only). Hackney carriages shall be fitted with an approved taxi meter containing ONLY the fare rates approved by the Council. Private hire cars may be fitted with a meter set at rates approved by the operator, which must be declared to the Council in advance and which will be checked prior to the sealing of the meter. All meters will be sealed following inspection  
  
If a private hire vehicle is not fitted with a meter at the time of the examination but is subsequently fitted, this must be declared to the Council immediately and the meter will then be checked and sealed.
14. The official rates of fare on display so as to be visible to all passengers in hackney carriages or a notice in private cards showing that the Operator has set the fare rates.
15. An MOT Certificate which must be produced on application (where applicable).

**NOTE: An MOT Certificate is required for hackney carriage and private hire vehicles after the FIRST YEAR of registration.**

16. A clean and smart appearance both externally and internally with a uniform body colour and free from signs of rust, corrosion and damage.
17. Tinted windows will not normally be permitted.
18. EQUIPMENT
  - a. Spare wheel and tyre - properly stored to protect passengers' luggage.

- b. Jack.
- c. Wheelbrace.
- d. The vehicle shall be fitted with a first aid kit and a Dry Powder type fire extinguisher or other such type as accepted by the Council of at least 1 kilogramme capacity. The first aid kit must be carried in the passenger compartment of the vehicle. Both the first aid kit and the fire extinguisher must be fitted in such positions as to be readily available for use and bear the registered numbers of the vehicle indelibly marked. The fire extinguisher may be secured in the boot area provided a sign to that effect is displayed prominently and legibly inside the vehicle.

- e. An approved first aid kit

The first aid kit shall be carried in the passenger compartment and be clearly indicated. It should contain, ***as a minimum***, the following items as prescribed in the Health and Safety (First Aid) Regulations 1981:-

- Serviceable box, roll, satchel or other suitable container in which to carry first aid items, ***permanently marked with the vehicle registration number***
- Basic instruction card covering expired air respiration, external cardiac compression, treatment of shock, recovery position and treatment for bleeding control (1)
- Triangular bandages (2)
- Large, sterile, unmedicated dressing (1)
- Individually wrapped sterile adhesive dressings (6)
- Safety pins (at least 2)
- Individually wrapped moist cleansing wipes (6)

- f. The vehicle shall carry a current Nottinghamshire A-Z map.

## 19. VEHICLE TESTING

The vehicle will be tested in accordance with the MOT Testing Manual and the Local Authority Supplementary Testing Manual - copies of which are lodged with the main vehicle operators in Broxtowe and at the main Council Offices in Beeston where they can be inspected during normal office hours. Individual copies can be supplied on request at a cost of £10.00 plus postage.

## 20. ROAD TEST

The meter will be checked to ensure it complies, in the case of hackney carriages with the Council's prescribed rates currently in force or in the case of private hire vehicles with the rates declared by the operator. Private hire vehicles do not have to be fitted with a meter but where one is fitted it must be checked and sealed.

## 21. PASSENGER CAPACITY

Vehicles which are designed to carry more than four persons may be licensed provided they comply as follows:-

- a. A seating plan must be agreed with the Licensing Department.
- b. Purpose-built London-style cabs may be licensed for five passengers (in the rear compartment) as hackney carriages.
- c. Saloon cars with three rows of seats (i.e. up to seven passengers) may be licensed provided that, in emergency, passengers in the rear seat can leave the vehicle without having to climb over or tip up the seat in front.
- d. A vehicle licence may be granted in respect of a minibus constructed or permanently adapted to carry up to but not exceeding eight passengers, i.e. eight seats plus the driver's seat, in which case the following requirements will also apply:-
  - Side-facing seating **WILL NOT** be permitted.
  - There must be appropriate emergency exit facilities - i.e. **TWO** unobstructed means of escape/exit.

**All luggage carried in the vehicle must be adequately secured by means of guards, straps or other suitable luggage restraints to prevent it from coming into contact with persons travelling in the vehicle. If one of the emergency doors is via a rear exit, luggage must not be stored in such a way as to hinder the use of that door.**

**NOTE:** *Vehicles with more than eight passenger seats are small buses and cannot be licensed by the local authority. Operators wishing to use such vehicles should contact the Department of Transport/Traffic Commissioners. However, if a vehicle constructed to carry nine or more passengers is adapted or modified to reduce its capacity to eight or less, this conversion must be of a permanent nature and any such conversion must be notified to HM Customs and Excise immediately on completion of the conversion. Failure to do so may result in legal proceedings against the owner and/or convertor.*

### Vehicle Licence Conditions

Both the licence holder and driver shall observe and perform the following terms and conditions:-

#### Licence Plates and Signs

1. (a) Cause the number of the licence to be fixed and displayed on the vehicle at all times during which the vehicle is being used as a hackney carriage or private hire vehicle. The number is to be displayed by means of the licence disc and the licence plates issued by the Council.
  - (b) The licence plates shall be fixed and displayed externally to the **front and rear** of the vehicle, **the larger plate being affixed to the rear**. Both shall either be on the bumper or immediately above or immediately below it in such a position that the vehicle's registration mark is not obscured, with the particulars thereon facing outwards and in such a manner and place that the licence plate is **in the opinion of the Council** clearly visible. **Both** shall be affixed with **at least two screws** or on a **purpose made bracket** obtainable from local suppliers.
  - (c) The licence disc shall be fixed and displayed inside the vehicle windscreen in such a manner and place that the particulars thereon are clearly visible to a passenger being conveyed in the vehicle and persons outside.
2. The licence disc and plates referred to in condition 1 shall remain the property of the Council and shall be returned forthwith to the Licensing Clerk, Regulatory Services, Resources Directorate Broxtowe Borough Council, Council Offices, Foster Avenue, Beeston, Nottingham, NG9 1AB as soon as the licence holder no longer holds a licence issued by the Council which is in force in respect of the vehicle.

#### Authority to Inspect Vehicles and Conduct Vehicle Inspections

3. (a) An authorised officer of the Council or any person authorised by Regulatory Services, Resources Directorate or any police constable shall have the power at all reasonable times to inspect and test any **hackney carriage or private hire vehicle** licensed by the Council for the purpose of ascertaining its fitness.
  - (b) If the authorised officer of the Council or authorised person or the police constable is not satisfied with the fitness of the licensed vehicle, the **driver, proprietor or operator** shall, after being notified in writing, present the vehicle at the time and place specified for an examination.
4. Without prejudice to the provisions of condition 3 above, the **driver, proprietor or operator** shall present the hackney carriage or private hire vehicle for inspection and testing at such time as is specified in a notice served upon him by an authorised officer of the Council or authorised person or any police constable requiring him to do so.
  5. (a) If the authorised officer or authorised person or police constable is not satisfied as to the condition of the vehicle upon completion of the inspection required by condition 3(b) or condition 4, as the case may be, he or she may immediately suspend the vehicle licence and the **driver, proprietor or operator** shall forthwith upon being

required to do so by the authorised officer or authorised person or police constable, cause the licence plate and licence disc to be removed from the vehicle and handed to the authorised officer or authorised persons or police constable who shall keep it in his custody until such time as he is satisfied as to the condition of the vehicle, whereupon the licence plate will be returned to the **driver, proprietor or operator**.

(b) An authorised officer of the Council, on inspecting a vehicle in the course of his or her duty and requiring it to be examined for the purposes of ascertaining its fitness, may suspend the use of such vehicle (and remove the disc and licence plate) until the examination has been carried out.

(c) The powers of suspension and removal in section (b) above shall also apply in the event that the vehicle inspected is unclean.

6. Without prejudice to the provisions of Conditions 3, 4 or 5 above, the vehicle shall be subject to an annual mechanical examination which will be conducted by the Council or its authorised representatives. Vehicles aged 5 years or more will be required to be examined twice a year.

### **Vehicles - General**

7. The vehicle shall be kept clean and well maintained in every way fit for public service.

8. The vehicle will only be permitted to carry the number of persons specified on the licence irrespective of whether they are children or not.

9. All vehicles shall be fitted with seatbelts, one for each passenger, plus the driver, which shall be readily accessible for use and maintained in a usable state of repair.

### **Vehicle Documentation**

10. At all times during the currency of the licence, there shall be in force:-

a. A policy of insurance complying with the requirements of Part IV of the Road Traffic Act 1972

b. A current vehicle excise licence.

c. A Ministry of Transport (MOT) Certificate if relevant.

d. On being so required by an authorised officer, the driver shall produce to that officer for examination the certificate of insurance provided that if the driver fails to produce such certificate to that officer on request, he or she shall within seven working days of such request, produce it to that officer or to any other officer at the office of Broxtowe Borough Council, Licensing Department, Public Protection Division, Council Offices, Foster Avenue, Beeston, Nottingham, NG9 1AB.

e. The operator or driver shall also produce, when required, the vehicle registration document and MOT certificate.

f. Licenses for vehicles not having the required documentation will be suspended.

## **Advertising on Vehicles**

11. Advertising is only permitted on the front door panels and is restricted to the company name and telephone number.

All private hire vehicles shall display on each side of the vehicle a sign stating the name of the operating company and the wording "Private Hire Advance bookings only"

- The company name shall be in letters at least 25mm high.
- The words "Advance bookings only" shall be in letters at least 25mm high.
- The words "Private Hire" shall be in letters at least 50mm high.
- The cost of the signs will be borne by the operator of the company.

## **HACKNEY CARRIAGE ONLY**

### **Roof Signs**

12. (a) The hackney carriage (not being a purpose-built London-style vehicle) shall carry upon the roof a sign which shall bear to the front the words "FOR HIRE/TAXI" and to the rear the words "BROXTOWE BOROUGH COUNCIL NO." together with the carriage licence number. The sign required by this Condition shall be capable of being illuminated internally in such a manner that the above words are illuminated at all times when the vehicle is plying for hire but not otherwise and such sign shall be fixed in such manner and position and be of such size as shall be approved by the Council.

The Licence holder and driver of the hackney carriage shall maintain such sign in efficient working order at all times. The sign shall be capable of being so operated that it indicates clearly and conveniently to persons outside the carriage whether or not the carriage is for hire.

The basic sign is a standard 45cm/18in design. The sign shows green to the front with white lettering and the word 'TAXI' in 56mm tall letters with 'FOR HIRE' in 20mm tall letters above.

The rear of the sign shows a red light when illuminated and bears the words BROXTOWE BOROUGH COUNCIL in black 25mm lettering and No ..... in black 30mm letters and numbers. The sign shall only be illuminated when the vehicle is legally available for hire.

- (b) The rear facing illuminated section of the sign shall show a red light when switched on and the front shall show a green light.
- (c) If the hackney carriage is a purpose-built London-style vehicle - with a built-in sign bearing the word "TAXI" to the front - it shall be exempt from the requirement of Condition 12(a) above regarding the rear wording provided it is illuminated at all times when legally plying for hire.

## **Fare Meters and Fares for Hackney Carriages**



13. The hackney carriage shall be so constructed or adapted as to be capable of carrying a fare meter in a position acceptable to the Council and the face of the meter, showing the fare, shall be visible to all passengers.
14. The licence holder and driver of the hackney carriage shall cause the official rates of fare to be exhibited in the carriage as to be clearly visible by all passengers. The licence holder and driver shall ensure that at all times the table of fares are kept in such condition that all lettering thereon is clearly visible to the passengers and shall renew the same cards as often as is necessary in order to comply with these conditions. Additional copies of the cards may be obtained from the Council.
15. (a) The fare displayed on the taxi meter for the use of the vehicle when plying for hire within the district shall be strictly at the rate calculated in accordance with the scale of fares determined from time to time by the Council. The fare recorded shall be in figures, clearly legible and free from ambiguity and shall still apply even if the vehicle is used on a metered private hire journey.
- (b) The meter shall only be brought into operation at the pick-up point of the journey.
- (c) Only one charge shall be made for the journey. No separate fares are allowed.
16. The meter shall only contain microchips capable of recording the fares specified by the Council.  
  
At times when extra charges apply, i.e. after 12:00 midnight, Bank Holidays, etc, these charges shall be recorded in and displayed on the meter as alternative rates.
17. Every hackney carriage shall have a provision for the carriage of a reasonable amount of luggage per passenger (at least 0.425 cubic metres (15 cubic feet or 425 litres) of available space) and the fare charged shall be for the hire of the hackney carriage and there shall be no extra charge for luggage.

**Licence Holders of Hackney Carriages and Private Hire Vehicles**

18. (a) The licensee shall not, within the borough of Broxtowe, act as a driver of a vehicle unless he has a current hackney carriage/private hire driver's licence issued to him by the Council.
- (b) The licence holder/driver shall not, within the borough of Broxtowe, employ or use or permit any person as a driver of the vehicle for the purposes of any hiring or permit or cause any other person to act as the driver of the vehicle for the purpose of any hiring unless the person holds a current hackney carriage/private hire driver's licence issued by the Council.
19. The licence holder/driver shall inform the Council in writing of any:-
  - (a) Convictions cautions or fixed penalty notices incurred, criminal or driving, during the period of the licence within seven days of the conviction;
  - (b) County Court judgments in the case of bankruptcy, repossession order, etc within seven days of the judgment.

- (c) The licence holder must notify the Council in writing of any change of address (including any change of business address) during the period of the licence, within five working days of such change taking place.
20. The licence holder shall not assign or in any way part with the benefit of the licence. If he transfers his interest in the vehicle to any other person, he shall, not less than five working days after such transfer, give notice in writing thereof to the Council specifying the name and address of the person to whom the vehicle had been transferred.

#### **Documentation to be Maintained by Vehicle Licence Holders**

21. The licence holder shall maintain a list of the names and addresses of all persons employed, or otherwise used, by him or her for the purposes of driving the vehicle, and shall make such a list available for inspection by the Council on demand.
22. A hackney carriage vehicle may be operated on a private hire basis on the terms and conditions applicable.
23. The licence holder and driver shall, as soon as reasonably practicable and in any case within seventy-two hours of any accident involving the vehicle, report the occurrence to the Council.

#### **Dual Licensing**

24. Dual licensing of vehicles (ie the licensing of a vehicle with two authorities) is **NOT** accepted by the Council.
25. A hackney carriage may not ply for hire outside the borough. The licence holder and driver shall be familiar with the precise borough boundaries.

If a rank, at the time of the driver's arrival, is occupied by the full number of carriages authorised to occupy it, the driver should proceed to another rank. On arriving at a rank not already occupied by the full number of carriages authorised to occupy it, the driver should station the carriage immediately behind the carriage or carriages on the rank and so as to face in the same direction. From time to time, when any other carriage immediately in front is driven off or moved forward, the driver shall cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.

#### **Special Events Vehicles**

26. Anyone wishing to licence a "special events vehicle" i.e. limousine, fire engine, etc must consult with the Licensing Department prior to doing so.

**Licensed Private Hire Operator Conditions**

The private hire operator shall observe and perform the following **terms and conditions**: -

1. No private hire operator shall invite or accept a booking for any vehicle operating as a private hire vehicle, or control or arrange a journey to be undertaken by such vehicle, without first making available in writing, or giving orally, to the person making the booking, information as to the basis of charge for the hire of the vehicle.
2. Every private hire operator who accepts a booking for a vehicle for an appointed time and place shall give the booking to a vehicle, allowing sufficient time for the vehicle to attend punctually.
3. The holder of a private hire operator's licence shall not permit any person who is drunk, or is behaving in a disorderly manner, to remain upon the premises in respect of which the licence is in force.
4. If provision is made by the private hire operator on his premises for the reception of members of the public proposing to hire a vehicle, the private hire operator must ensure that the premises are in a clean and tidy condition at all times and that adequate arrangements are made for the seating of customers within the premises.
5. The private hire operator without prejudice to any other liabilities imposed under the Local Government (Miscellaneous Provisions) Act 1976, shall ensure that drivers employed by or attached to the operation shall observe and perform the conditions of their private hire or hackney carriage driver's licence and that vehicles conform to the conditions of their private hire or hackney carriage vehicle licence.
6. (a) The private hire operator shall maintain at his premises particulars of all drivers and of all vehicles associated with the operation, which shall include the following:-
  - I. the licence plate number of each vehicle;
  - II. the registration number of each vehicle;
  - III. the name and address of the owners of each vehicle;
  - IV. the name and address of the driver of each vehicle;
  - V. the badge number of each of the drivers;
  - VI. copies of the licences for each vehicle and drivers.
- (b) The above records shall be produced immediately on demand to any authorised officer of the Council or police constable.
- (c) Where a hackney carriage is attached to a private hire operation and is allocated private hire work it shall be counted as part of the fleet when

considering the size of the operation for licensing purposes and for the calculation of the operator's fee to be paid.

- (d) Where a driver or vehicle join or leave the operation the private hire operator shall within 2 working days inform the Council in writing.
- (e) The operator shall display his operator's licence in a prominent position at his office and have available a copy of these conditions for public scrutiny if requested.
- (f) No booking shall be allocated to either a driver or vehicle unless both are correctly and currently licensed. The operator shall not provide a "courtesy car" to any member of the public in circumstances where either the vehicle or the driver is not correctly licensed.

7. (a) The private hire operator shall cause to be entered in a book (not loose leaved), the pages of which are numbered consecutively, particulars of every private hire booking and the particulars shall be entered in the book at the time of the booking and shall include the following:-

- i. The name of the passenger
- ii. the method, date and time of the booking, ie telephone call, app or personal call;
- iii. the name of the person taking the booking, and the name of the person despatching the booking
- iv. details of the booked journey, ie from ..... to .....
- v. the name of the hirer;
- vi. the private hire licence plate number, or if a hackney carriage is being used for private hire work, the hackney carriage plate number of the vehicle given the booking together with the vehicle registration number; and
- vii. the name of the driver;
- viii. where a private hire booking is undertaken on behalf of or passed to another operator, details must be recorded in accordance with the provisions of 7(a) above.

- (b) An alternative method of record keeping, including computerised records, may only be used with the written agreement of the Council,
- (c) The records shall be kept for a period of not less than two years or such longer period as required by an authorised officer of the Council.
- (d) The records shall be produced, on request, to any police constable or authorised officer of the Council.

8. The operator, when accepting bookings under the terms and conditions of this licence, shall only operate vehicles and drivers licensed by the Council.
9. Dual licensing (licensing of a vehicle with more than one Council) of vehicles is not permitted by the Council.
10. The private hire operator shall not, knowingly or without the prior written consent of the Council, employ or be employed by, engage in partnership with, or allow or suffer any involvement in the management of the operation hereby licensed:-
  - (a) any person who has been convicted of an offence under the Local Government (Miscellaneous Provisions) Act 1976 or any other legislation relating to private hire and hackney carriage licensing; and
  - (b) any person who, for the purposes of Part II of the said Act, has been found by any licensing authority not to be a fit and proper person to hold a driver's, vehicle or operator's licence.
11. The operator shall be responsible for the actions of any manager, supervisor any other person appointed to run or play any part in the management of the private hire business.
12. The operator shall be responsible for the actions of each driver attached to the operation.
13. The operator shall have in place a system which ensures that any booking accepted by the company will be honoured. The system will ensure that each booking is monitored to make certain that vehicles are available to fulfil the agreed arrangements.
14. Operators shall ensure to the best of their ability before accepting drivers onto their operation, that they are fit and proper persons to be engaged in the carrying of members of the public. In particular, they should examine drivers' licences and enquire whether the applicant has been convicted of driving or other offences.
15. Each Operator shall keep a record of complaints made to them, their agents or employees in relation to any aspects of the business. The records shall be maintained for the duration of the Licence and should be available at all times for inspection by a Police or authorised Officer.

Complaints involving any element of:

- a. the fitness of a licensed driver to drive; and/or
- b. the driving ability of any licensed driver
- c. the condition of any licensed vehicle

Must be reported to the Councils Licensing Department, in writing, within 48 hours of the complaint being made to the Operator.

16. Each Operator shall maintain a register of all staff employed within the business and each member of staff must provide to the operator a valid basic DBS certificate on an annual basis and prior to commencement of employment.

The register must be made available to an authorised officer on request

17. The operator shall implement and maintain a policy relating to the employment of ex-offenders. The policy must be provided to the Licensing Authority upon being implanted. The policy must be made available to an authorised officer on request.
18. The operator shall implement and maintain a safeguarding policy that demonstrates the steps taken to protect children and other vulnerable adults for whom the operator provides transport services
19. The operator shall ensure that any other operator to whom they sub-contract bookings also has a similar policy in place to protect children and other vulnerable adults.
20. The use of a driver who holds a PCV licence and the use of a public service Vehicle (PSV) such as a minibus to undertake a private hire vehicle booking should not be permitted as a condition of the private hire vehicle operator's licence without the informed consent of the booker
21. Requirements for planning permission

This section is offered as a general guidance only and does not purport to determine whether planning permission is required in any particular case. All applicants are advised to contact the Planning Department of the Council at the Council Offices.

Planning permission may not normally be required for operating from a private residential property provided that:-

- i. Only one licensed vehicle is parked at or controlled from the property.
- ii. The one permitted vehicle is a passenger-carrying saloon car or estate car.
- iii. No self-drive private hire cars or vans are also based at or controlled from the property.
- iv. Such operations do not constitute a part of a light haulage or courier operation operating from the same premises.
- v. No vehicular movements to and from the property take place between the hours of 11:00 pm and 7:00 am on any day.
- vi. No maintenance other than minor servicing takes place on or at the property. (Minor servicing means vehicle washing and the changing of oil, tyres, plugs and contact points, etc).
- vii. No one other than residents of the property are engaged in the business.
- viii. Not more than one room of the property is used in connection with the business.
- ix. No aerial is erected on the outside of the premises.

Where planning permission is deemed to be required, i.e. for the operation of two or more hackney carriage or private hire vehicles and the associated communications equipment, then the acceptability of the proposal will generally be tested by reference to the impact of the proposed use on neighbouring amenity, on-street car parking conditions and the character and appearance of the locality.

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### Equality Impact Assessment

The Equality Act 2010 replaces the previous anti-discrimination laws with a single Act. It simplifies the law, removing inconsistencies and making it easier for people to understand and comply with it. It also strengthens the law in important ways, to help tackle discrimination and equality. The majority of the Act came into force on 1 October 2010.

Public bodies are required in it to have due regard to the need to:

- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited under the Act
- advance equality of opportunity between people who share a protected characteristic and people who do not share it, and
- foster good relations between people who share a protected characteristic and people who do not share it.

The public sector Equality Duty came into force on 5 April 2011. The duty ensures that all public bodies play their part in making society fairer by tackling discrimination and providing equality of opportunity for all. It ensures that public bodies consider the needs of all individuals in their day to day work – in shaping policy, delivering services and in relation to their own employees.

The Equality Duty encourages public bodies to understand how different people will be affected by their activities so that policies and services are appropriate and accessible to all and meet different people's needs. By understanding the effect of their activities on different people, and how inclusive public services can support and open up people's opportunities, public bodies are better placed to deliver policies and services that are efficient and effective.

The new equality duty replaces the three previous public sector equality duties, for race, disability and gender. The new equality duty covers the following protected characteristics:

- age
- disability
- gender reassignment
- pregnancy and maternity
- race – this includes ethnic or national origins, colour or nationality
- religion or belief – including lack of belief

- sex
- sexual orientation.

It also applies to marriage and civil partnership, but only in respect of the requirement to have due regard to the need to eliminate discrimination.

Having due regard means consciously thinking about the three aims of the equality duty as part of the process of decision-making. This means that consideration of equality issues must influence the decisions reached by public bodies, including how they act as employers, how they develop, evaluate and review policies, how they design, deliver and evaluate services, and how they commission and procure from others.

Having due regard to the need to advance equality of opportunity involves considering the need to:

- remove or minimise disadvantages suffered by people due to their protected characteristics
- meet the needs of people with protected characteristics, and
- encourage people with protected characteristics to participate in public life or in other activities where their participation is low.

Fostering good relations involves tackling prejudice and promoting understanding between people who share a protected characteristic and others.

Complying with the equality duty may involve treating some people better than others, as far as this is allowed by discrimination law. For example, it may involve making use of an exception or the positive action provisions in order to provide a service in a way which is appropriate for people who share a protected characteristic.

The Equality Duty also explicitly recognises that disabled people's needs may be different from those of non-disabled people. Public bodies should therefore take account of disabled people's impairments when making decisions about policies or services. This might mean making reasonable adjustments or treating disabled people better than non-disabled people in order to meet their needs.

There is no explicit requirement to refer to the Equality Duty in recording the process of consideration but it is good practice to do so. Keeping a record of how decisions were reached will help public bodies demonstrate that they considered the aims of the Equality Duty. Keeping

a record of how decisions were reached will help public bodies show how they considered the Equality Duty. Producing an Equality Impact Assessment after a decision has been reached will not achieve compliance with the Equality Duty.

It is recommended that assessments are carried out in respect of new or revised policies and that a copy of the assessment is included as an appendix to the report provided to the decision makers at the relevant Cabinet, Committee or Scrutiny meeting.

Where it is clear from initial consideration that a policy will not have any effect on equality for any of the protected characteristics, no further analysis or action is necessary.

Public bodies should take a proportionate approach when complying with the Equality Duty. In practice, this means giving greater consideration to the Equality Duty where a policy or function has the potential to have a discriminatory effect or impact on equality of opportunity, and less consideration where the potential effect on equality is slight. The Equality Duty requires public bodies to think about people's different needs and how these can be met.

### **EQUALITY IMPACT ASSESSMENT (EIA)**

Directorate:	Chief Executive's	Lead officer responsible for EIA	D Gell
Name of the policy or function to be assessed:	Hackney Carriage and Private Hire Licensing Policy		
Names of the officers undertaking the assessment:	John Miley		
Is this a new or an existing policy or function?	Existing		
<p><b>1. What are the aims and objectives of the policy or function?</b>          The policy aims to provide standards and guidance for the Council in respect of its licensing function for hackney carriage (HC), private hire vehicles (PHV) and private hire operators (PHO).          Also, it provides such guidance to applicants and the public.          The policy is intended to uphold public safety and must therefore ensure</p>			

that appropriate measures are in place to check that individuals providing HC and PHV services are suitable persons to do so and that the services they provide are safe.

## **2. What outcomes do you want to achieve from the policy or function?**

The policy is intended to define how applications are made and dealt with under the relevant legislation. It also sets out matters that applicants must consider when making such applications and gives clear guidance on matters to be considered by the licensing authority when determining the applications.

- Transparency in the Council's decision making process
- Fit and proper HV and PHV service providers
- Clear guidance for applicants
- Protection of the travelling public, safeguarding children and vulnerable persons
- Prevention of crime and disorder
- Safety and health of the public and licensed drivers
- Vehicle safety and comfort standards

## **3. Who is intended to benefit from the policy or function?**

The beneficiaries of the policy will be:

- Applicants
- Public
- Licensing authority

## **4. Who are the main stakeholders in relation to the policy or function?**

The main stakeholders in relation to the policy are:

- The licensing authority
- All applicants
- Public

## **5. What baseline quantitative data do you have about the policy or function relating to the different equality strands?**

According to the most recent Department for Transport (DfT) statistics published in 2019 the majority of drivers nationally are male 98%  
The Council's policy does not exclude or discriminate against women.

However, we have only one female driver currently

Ethnically the two main groups of drivers nationally are, White (42%) and Asian or British Asian (40%).

Although we do not record ethnicity of drivers, knowledge of officers gives an indication that the Council's fleet of drivers is in the region of 55% White and 45% of various other ethnic groups.

The Council's policy does not discriminate against or exclude any ethnic group.

Adults with mobility issues rely upon HC and PHV more so than those without mobility issues averaging 21 trips per year as opposed to 10 for those without issues.

National figures indicate that woman make more trips than men in HC and PHVs with older women making more frequent use.

The Council's policy requires that drivers undertake safeguarding, disability awareness and equality training to ensure that they are aware of potential issues arising from such potentially vulnerable passengers.

**6. What baseline qualitative data do you have about the policy or function relating to the different equality strands?**

The Licensing Authority and the Nottinghamshire Authorities Licensing Group (NALG) have worked together to develop the policy to address any potential impact any application may have.

The policy deals the Licensing Authorities grounds for refusal, the suitability of the applicant and vehicles

The policy reminds HV and PHV service providers of their duty under the Equality Act 2010 with regard to disabled and vulnerable passengers.

The policy also sets out a code of conduct and conditions to support the above.

**7. What has stakeholder consultation, if carried out, revealed about the nature of the impact?**

Consultations continue to take place where substantial changes are made to the policy. There have been no adverse comments in respect of changes made in the past.

Following approval of the draft amendments, the revised policy will be sent out to consultation. Any comments received will be considered by the council's Licensing and Appeals Committee.

**8. From the evidence available does the policy or function affect or have the potential to affect different equality groups in different ways?**

**In assessing whether the policy or function adversely affects any particular group or presents an opportunity for promoting equality, consider the questions below in relation to each equality group:**

- **Does the policy or function target or exclude a specific equality group or community? Does it affect some equality groups or communities differently? If yes, can this be justified?**

The policy does not target or exclude any particular body.  
The policy applies equally to all groups and does not discriminate.

- **Is the policy or function likely to be equally accessed by all equality groups or communities? If no, can this be justified?**

The policy will apply equally across all groups and communities in the borough. The Council has an ethnically diverse fleet of drivers

- **Are there barriers that might make access difficult or stop different equality groups or communities accessing the policy or function?**

There are no barriers in respect of the policy being accessed and utilised by any equality group or community. The policy is available for all to use.

There are requirements in terms of criminal convictions, driving ability and medical fitness. These are in place to safeguard the public and in particular vulnerable children and adults.

- **Could the policy or function promote or contribute to equality**

**and good relations between different groups?**

- **If so, how?**

There is no indication that the policy would contribute to equality and good relations between different groups.

The policy applies equally to all groups and does not discriminate against any group.

- **What further evidence is needed to understand the impact on equality?**

The policy has been in place for a number of years and is subject to constant review. The countywide Nottinghamshire Authorities Licensing Group (NALG) will continue to monitor and evaluate policies.

The Department of Transport (DfT) issues best practice guidance for licensing authorities. This is in the process of being updated and when published will require further consideration of the Council's policy.

The DfT has also recently published Statutory Taxi and Private Hire Vehicle Standards which has given rise to the current review of the policy.

**9. On the basis of the analysis above what actions, if any, will you need to take in respect of each of the equality strands?**

**Age:**

No adverse impact has currently been identified. The policy will remain under review and be subject to any statutory amendments.

**Disability:**

No adverse impact has currently been identified. The policy will remain under review and be subject to any statutory amendments.

**Gender:**

No adverse impact has currently been identified. The policy applies equally to all groups and does not discriminate against this group.

**Gender Reassignment:**

No adverse impact has currently been identified. The policy applies equally to all groups and does not discriminate against this group.

**Marriage and Civil Partnership:**

No adverse impact has currently been identified.

**Pregnancy and Maternity:**

No adverse impact has currently been identified.

**Race:**

No adverse impact has currently been identified.

Licensed drivers are however required to have an understanding of the english language to be able to communicate with their passengers.

**Religion and Belief:**

No adverse impact has currently been identified. The policy applies equally to all groups and does not discriminate against this group.

**Sex:**

No adverse impact has currently been identified. The policy applies equally to all groups and does not discriminate against this group.

**Sexual Orientation:**

No adverse impact has currently been identified. The policy applies equally to all groups and does not discriminate against this group.

**Head of Service:**

I am satisfied with the results of this EIA. I undertake to review and monitor progress against the actions proposed in response to this impact assessment.



**Signature of Head of Service: D Gell**





Department  
for Transport

**Baroness Vere of Norbiton**  
Minister for Roads, Buses and Places

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Ms Ruth Hyde OBE  
Broxtowe Borough Council  
By email: [ruth.hyde@broxtowe.gov.uk](mailto:ruth.hyde@broxtowe.gov.uk)

27 April 2021

Dear Ruth Hyde OBE,

## **TAXI & PHV LICENSING – STATUTORY TAXI AND PRIVATE HIRE VEHICLE STANDARDS**

I would like to thank you and your teams for completing the survey issued by my Department in January to assess the progress in considering and implementing measures set out in the Statutory Taxi and Private Hire Vehicle Standards published in July 2020.

The Government issued the Statutory Standards to licensing authorities to enhance the safeguarding measures the taxi and private hire vehicle licensing regime requires and so protect the most vulnerable in communities. As you will be aware, the regulation of the trade is only as strong as the weakest link and so we must continue to drive up standards where they are deficient, and this must be achieved as a matter of urgency.

Making the necessary changes to your policies to align them with the Statutory Standards is incredibly important to secure the safety of passengers. I am aware from the survey response that some licensing authorities are already applying the Statutory Standards to new licence applications and I welcome this. We expect authorities to explore all options to ensure the Statutory Standards apply to all licence holders at the earliest opportunity and not just at renewal. I cannot stress enough the importance of bringing about these changes to protect the public.

Authorities have overall made significant progress despite the challenges we have all faced in responding to the COVID-19 pandemic. The response your authority submitted in January said that your review was currently or will shortly be in progress, based on the responses from other authorities our view is that the review should be completed before 31 December 2021, so that any changes to policies can be in place as soon as possible in 2022.

If your authority is unable to meet with the timeline and feel that the Department can support you, my officials are available to discuss this with your licensing teams; please contact [Taxis@dft.gov.uk](mailto:Taxis@dft.gov.uk).

Yours,  
Charlotte

**BARONESS VERE OF NORBITON**

## Report of the Chief Executive

**UPDATE ON AN APPEAL OF A COMMITTEE DECISION TO THE  
MAGISTRATES COURT**1. Purpose of report

To advise Members of the result of an appeal by a taxi driver following the revocation of his licence by the Licensing and Appeals Committee.

2. Detail

At the Licensing and Appeals Committee meeting on 10 March 2020, Members voted to revoke the hackney carriage/private hire driver licence of the taxi driver.

The taxi driver appealed the decision to Nottingham Magistrates Court. As a result of the appeal they were able to continue to be licensed until such time as the appeal was disposed of by the Magistrates.

A number of hearings were arranged by the Courts which for various reasons were postponed and the matter was finally heard on 19 April 2021.

I can now advise that following strong representations from the Council's legal representative, the Magistrates dismissed the appeal, upholding the Committee's decision to revoke the taxi driver licence and awarding the Council £1000.00 in costs.

**Recommendation**

**The Committee is asked to NOTE the report.**

Background papers

Nil

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