



20 March 2017

Dear Sir/Madam

A meeting of the Licensing and Appeals Committee will be held on Tuesday, 28 March 2017 in the New Council Chamber, Town Hall, Beeston at 10.00am.

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: Members of the Licensing and Appeals Committee:

E H Atherton	W J Longdon (Vice Chair)
D A Bagshaw	R D MacRae
D A Burnett (Chair)	M E Plackett
M J Crow	K E Rigby
T A Cullen	P D Simpson
L A Lally	A W G A Stockwell

AGENDA

1. APOLOGIES FOR ABSENCE

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

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The Committee is asked to confirm as a correct record the minutes of the meeting held on 13 December 2016.

4. REVISED TAXI POLICY

PAGE 2

Report on the consultation for a revised taxi policy.

5. EXCLUSION OF PUBLIC AND PRESS

The Committee is asked to RESOLVE that, under Section 100A of the Local Government Act, 1972, the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Schedule 12A of the Act.

6. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

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TOWN POLICE CLAUSES ACT 1847

HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE

LICENSING AND APPEALS COMMITTEE

13 DECEMBER 2016

Present: Councillor D A Burnett, Chair

Councillors: E H Atherton	W J Longdon
M J Crow	M E Plackett
T A Cullen	P D Simpson
L A Lally	A W G A Stockwell

Apologies for absence were received from Councillors R D MacRae and K E Rigby.

9. DECLARATIONS OF INTEREST

There were no declarations of interest.

10. MINUTES

The minutes of the meeting held on 4 October 2016 were confirmed as a correct record.

11. EXCLUSION OF PUBLIC AND PRESS

RESOLVED that, under Section 100A of the Local Government Act, 1972, the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 of Schedule 12A of the Act.

12. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
TOWN POLICE CLAUSES ACT 1847
HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE

Members noted the hearing procedure, with particular reference to the Council's policy, natural justice and the code of conduct.

The Committee considered the application for the grant of a private hire/hackney carriage drivers badge and representations made by the applicant in addition to the Council's policy. Members could not be satisfied on the balance of probabilities that the applicant was a fit and proper person to hold a licence and the Committee found no reason to depart from the adopted policy.

RESOLVED that the licence should not be granted to the applicant.

Report of the Chief Executive

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY1. Purpose of report

To consider and approve a new hackney carriage and private hire licensing policy for consultation.

2. Background

Broxtowe Borough Council is the statutory licensing authority for hackney carriage and private hire vehicles, drivers and private hire operators that work within the district. Currently the Council has a number of policies, procedures and protocols which set out the Council's approach to that statutory function. The proposed new policy, circulated separately with the agenda, brings these disparate documents together in one cohesive document.

Developing this new policy document has allowed the opportunity of reviewing the Council's current practices and, together with the Nottinghamshire Authorities Licensing Group, a more consistent and cohesive licensing regime is being created across the county. The policy has incorporated key recommendations made by the Nottinghamshire Coroner following a recent inquest involving a taxi driver causing a fatal accident.

The policy also has regard to the proposed Clean Air Zones which will be established in Nottingham and Derby by 2019, assisting drivers to become compliant with the Clean Air Zones and helping to reduce harmful emissions across the Borough.

The Committee is asked to consider and approve the policy for an eight week consultation with the Police, Disabled Persons' Transport Advisory Committee, the public and the taxi trade.

Recommendation

The Committee is asked to CONSIDER the matter and RESOLVE accordingly.

Background papers

Nil



**Broxtowe
Borough**

C O U N C I L

**DRAFT
HACKNEY CARRIAGE AND
PRIVATE HIRE LICENSING
POLICY**

**Approval for consultation
Licensing and Appeals Committee
28.03.2017**

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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 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)¹

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, (“the 1976 Act”) places on Broxtowe Borough Council (the “Council”) as the Licensing Authority (the “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.

¹ Note: this guidance is due to be updated in 2017

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 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 (TPCAct47) 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 (LG(MP)Act 76) 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 Act of 1847 and, in relation to the driver of a private hire vehicle, any badge issued by a district council under section 54 of this Act;
- 'Driver's licence' means, in relation to the driver of a hackney carriage, a licence under section 46 of TPC Act 47 and, in relation to the driver of a private hire vehicle, a licence under section 51 of that Act;
- '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 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 completed DVLA mandate;
- 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 – see Appendix C)
- 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.
- 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 (the “Exceptions Order”).

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 annually and the details contained within this will be retained by the Licensing Authority. Licence holders will be invited to subscribe to the Disclosure and Barring Service Online Update. The update service can be used if an application is made for a renewal 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 have an annual DVLA check of their driving licence record. A signed mandate will be required as part of the application process.

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.

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. The seasonal wearing of dress shorts or culottes as appropriate will be allowed and drivers must wear either a short sleeved shirt, blouse or collared polo shirt. 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 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 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, 'Do I need a break' 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

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 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.

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 Council's website at <https://www.broxtowe.gov.uk/for-business/licenses-permits/business-licences/taxis/>

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 vehicles 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 infringement 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 2014. However, some of the main manufacturers adopted these standards much earlier.

From **(the date of adoption of the policy)**, all vehicles licensed for the first time by Broxtowe Borough Council will be required to meet the following Euro Emission Standard

- Diesel vehicles Euro 6
- Petrol vehicles Euro 5

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 conditions.

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.

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 Council's examination and testing requirements for vehicles can be found on the Council's website at www.broxtowe.gov.uk

6.12 Meters

All hackney carriages must be fitted with a 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 Council's website at 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 so in accordance with the law.

The term 'operate' is defined at section 80 of the 1976 Act 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, supported to deliver a high quality service, 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;
- 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, the term 'person' may apply to both individuals and bodies corporate and un-incorporate. 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 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.

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 used as a guideline when considering offences for Operators.

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

- (a) 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
- (b) Change of address, in writing within 7 days
- (c) Any other changes that could affect the licence
- (d) 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.

Current licence holders will also be required to undertake and pass the training before 31st January 2018.

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:

- (a) New applications and renewals will be refused;
- (b) Current licences will be revoked.

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 are 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.

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. 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 licenced 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 shall not refuse to accept a booking for a Licensed Vehicle, and commits an offence under the provisions of the Equality Act 2010;

- 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 the Equality Act if:

- (a) they make an additional charge for the transportation of an assistance dog who is accompanying a disabled passenger or
- b. refuses to accept a booking if the booking is made on or behalf of a disabled person or a person who wishes to be accompanied by a disabled person and the reason for the failure or refusal is that the disabled person is accompanied by an assistance dog

Further guidance can be found at Appendix F

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 booking made by passengers accompanied by assistance dogs to drivers who do not hold certifiable medical 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.

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 licence¹ 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 Data Protection Registrar with proof of registration supplied to the Council before the system can be used.

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

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 DVLC. All applicants will be the subject of a criminal disclosure check with the Disclosure & Barring Service (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). A DVSA pass certificate must also be supplied on first application.
2. 2.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 an annual 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.

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.

*(Note: On the application form, the section relating to any offences, motoring or criminal, should include **all** such including any that are considered spent under the Rehabilitation of Offenders Act 1974 Section 7).*

3. A completed DVLA Mandate. (To enable the Council to undertake a check on motoring offences on an annual basis)

4. 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.
5. Two passport size photographs. The passport quality photograph should be clear and a good likeness.
6. Where applicable, applicants will be required to provide proof of the right to work in the UK before being granted as licence
7. 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

8. 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.

9. 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 Occupational Health Physician will be made by the Licensing Clerk and the fee is payable at the time of application.

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 Occupational 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 June 2016

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 to ask questions of the applicant/representative and witnesses and seek advice from officers of the Council.
7. The Chairman will invite the applicant/representative to sum up.
8. The Chairman will ask the applicant/representative to confirm that he/she has said all he/she wishes to.
9. The Chairman will confirm with the members that they have all the information they require to properly consider the matter.
10. The applicant and other parties present will leave the meeting so that the Committee can consider the matter in private.

11. The Clerk and legal adviser will remain to advise the members.
12. When the Committee has reached its decision, the applicant/representative will be invited back into the room. The Chairman will advise of the decision and the reason(s) for reaching it.
13. The Chairman will inform the applicant of the date on which the decision will take effect 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 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 The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, allows the licensing authority to take into account all convictions recorded against an applicant or the holder of a Private Hire Vehicle or Hackney Carriage driver's licence, whether spent or not. Therefore the licensing authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending. In accordance with this Act, all convictions, cautions, warnings and reprimands must be declared by the Applicant.
- 3.3 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.

- 3.4 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.
- 3.5 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.
- 3.6 The Council conducts enhanced disclosures from the Disclosure and Barring Service (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)

- 3.7 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.
- 3.8 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence. (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.
- 3.9 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.
- 3.10 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.
- 3.6 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.

5.2 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. Kidnapping or abduction
6. 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 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 property
4. 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 **3 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 **3 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

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

1. Making indecent telephone calls
2. Importuning
3. Indecent exposure
4. Soliciting (kerb crawling)
5. Any similar offences (including attempted or conspiracy to commit) offences which replace the above.

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

5.12 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.

5.13 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.

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

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

5.15 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.

5.16 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.

5.17 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.

5.18 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.

5.19 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.

5.20 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.

5.21 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.

5.22 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.

5.23 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.

5.24 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.

5.25 Driving offences involving alcohol and/or drugs

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

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

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

5.27 Appendix one sets out the traffic offences related to in this section.

5.28 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.

5.29 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.

5.30 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.

5.31 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.

5.32 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.

5.33 A list of offences to which this section applies is attached as Appendix two

5.34 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.

5.35 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.

5.36 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.

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

5.38 Where an existing licence holder is disqualified from driving the licence will normally be revoked by the Chief Executive, Head of Public Protection under delegated powers.

5.39 A list of offences to which this section applies is attached as Appendix three

5.40 Totting Up Disqualifications

5.41 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.

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

5.43 Hybrid traffic offences

Offences of the type listed in Schedule three 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.

5.44 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 prevented 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 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.

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

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

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

NOTE

All offences in Schedules One to Three 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

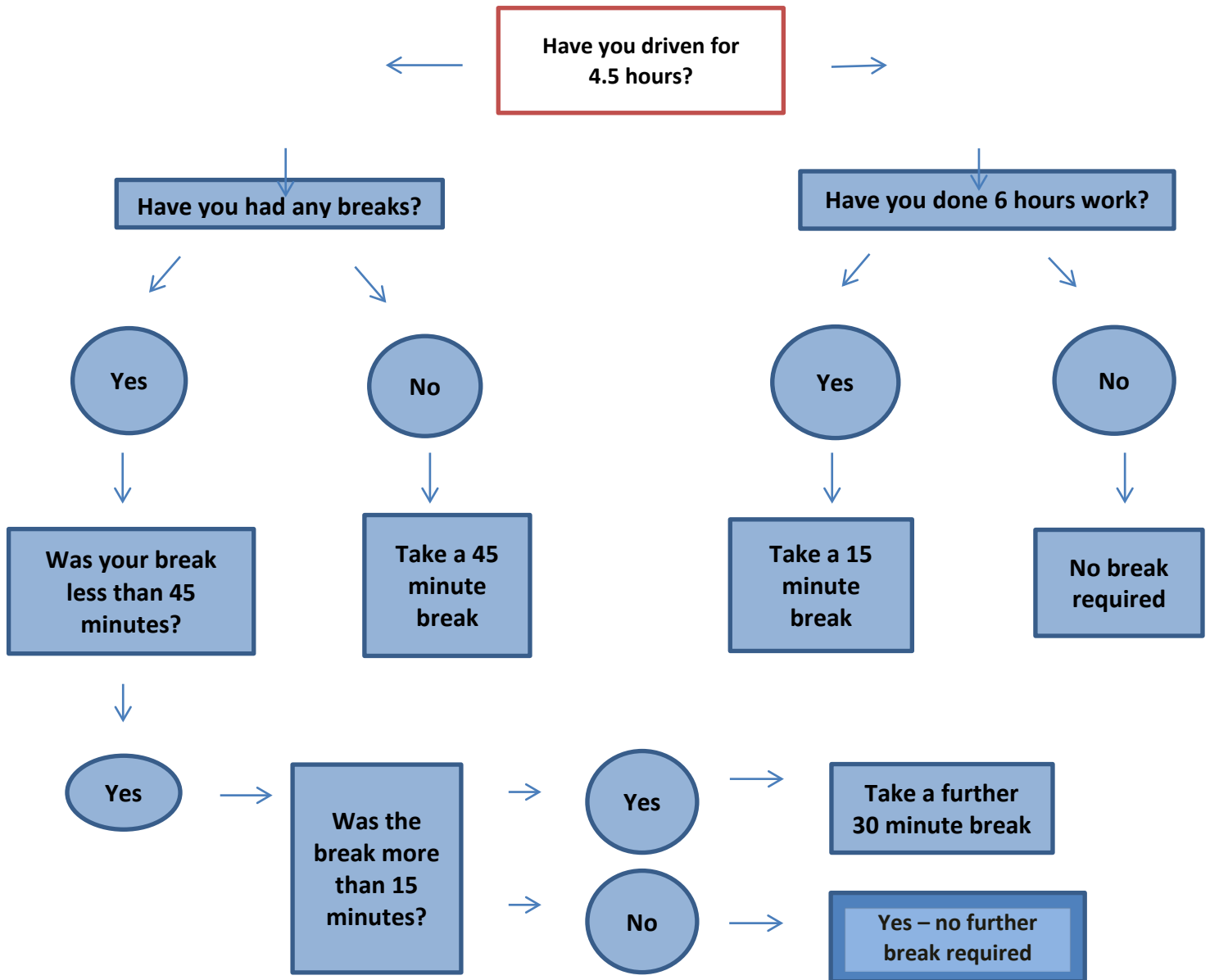
1. The driver's licence issued by the Council shall cover the driving of both hackney carriage and private hire vehicles.
2. The driver shall, at all times when driving a vehicle, wear in a conspicuous position, the driver's badge issued to him by the Council.
3. The driver shall ensure that the current 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 five days, disclose in writing to the Council details of any convictions, fixed penalty notices or endorsements pursuant to Part III of the Road Traffic Offenders Act 1988 or any pending matters falling into the above categories incurred by him during the period of the licence.
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 Disclosure and Barring Service.

The applicant will be invited to sign up to the DBS Update Service as this will allow the Council to undertake annual 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 DSB certificate is received the applicant has period of 19 calendar days to subscribe to the DBS update service.

The Council requires all drivers to undergo a DBS annually on the anniversary of the grant of the licence or 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 at the date of the anniversary.

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) (Amendment) Order 2002, 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 District 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 (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.

- 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, ie 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. Fee

The appropriate fee for the licence.

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 vehicles 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:

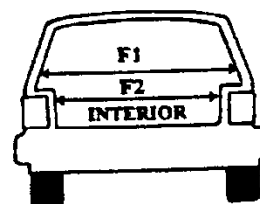
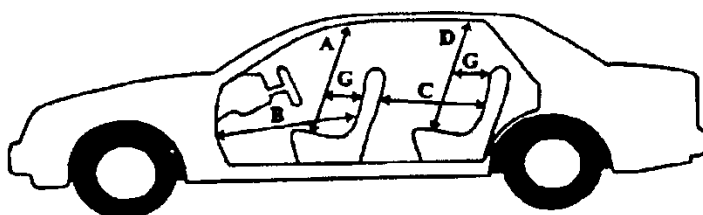
- 1. The underside condition of the vehicle does not show any signs of rusting or age, or deterioration.**
- 2. Mechanical condition is such that there should be no item that may show age, deterioration or cause or contribute to a less than safe, comfortable passenger ride.**
- 3. Bodywork should be 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
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 of 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	0.43 cu.m/15cu.ft (425Ltrs) min	luggage capacity (hard luggage)

8. A permanent roof which is watertight - a standard sun roof (ie sun roof fitted when new by manufacturer).
9. A separate locking luggage area (ie 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:-

- i. Serviceable box, roll, satchel or other suitable container in which to carry first aid items, ***permanently marked with the vehicle registration number***
 - ii. Basic instruction card covering expired air respiration, external cardiac compression, treatment of shock, recovery position and treatment for bleeding control (1)
 - iii. Triangular bandages (2)
 - iv. Large, sterile, unmedicated dressing (1)
 - v. Individually wrapped sterile adhesive dressings (6)
 - vi. Safety pins (at least 2)
 - vii. 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 (ie 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, ie 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 - ie **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 Regulatory Services, Resources Directorate,

Broxtowe Borough Council, 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, ie 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 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.

I. 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

20. 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.

21. A hackney carriage vehicle may be operated on a private hire basis on the terms and conditions applicable.

22. 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

23. Dual licensing of vehicles (ie the licensing of a vehicle with two authorities) is **NOT** accepted by the Council.

24. 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

25. 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 time and date of each booking;
 - ii. the method by which the booking was received, ie telephone call or personal call;
 - iii. details of the booked journey, ie from to
 - iv. the name of the hirer;
 - v. 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; and
 - vi. the name of the driver;
 - vii. 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 licenced 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 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, ie 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.