

**NORTH LINCOLNSHIRE COUNCIL**

**LICENSING COMMITTEE**

**LICENSING POLICY  
HACKNEY CARRIAGE AND PRIVATE HIRE**

**1. OBJECT AND KEY POINTS IN THIS REPORT**

- 1.1 To present a revised draft of the Hackney Carriage and Private Hire Licensing Policy following changes to the policy as a whole. A copy of the draft policy is at Appendix A to this report.
- 1.2 That consultation be carried out on the draft policy and that a further report be presented to the committee following the said consultation.

**2. BACKGROUND INFORMATION**

- 2.1 North Lincolnshire Council has a duty to protect the public and is authorised to carry out the statutory function of issuing licences in relation to Hackney Carriage and Private Hire Drivers, Vehicles and Operators.
- 2.2 These licences are issued in accordance with the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.
- 2.3 There is no legal requirement for the policy; however it is considered to be good practice to have such a policy. A policy has been in place since January 2011 and was last reviewed in November 2015.
- 2.4 Since the current policy was approved by this committee, it has subsequently been significantly redrafted.

**3. OPTIONS FOR CONSIDERATION**

- 3.1 Option 1 – To accept the revisions to revise the policy prior to consultation with interested parties.
- 3.2 Option 2 – To maintain the policy in its current format.

**4. ANALYSIS OF OPTIONS**

- 4.1 Option 1 – The policy has been changed to reflect significant changes that have been deemed necessary. The changes to the policy will be subject to consultation.
- 4.2 Option 2 – A rejection of this policy would mean the current policy remaining in force, without the proposed improvements.

**5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)**

- 5.1 There are no financial, staffing, property or IT implications from this report.

**6. OUTCOMES OF INTEGRATED IMPACT ASSESSMENT**

- 6.1 Not applicable

**7. OUTCOMES OF CONSULTATION AND CONFLICTS OF INTEREST**

- 7.1 Subject to approval, consultation will be carried out with interested parties and a further report will be presented to the committee once their views have been attained.

**8. RECOMMENDATIONS**

- 8.1 That the draft licensing policy be approved, and consultation be commenced with interested parties, in line with Option 2 of the report.

**DIRECTOR OF PLACES**

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Date: 1 March 2017

**Background Papers used in the preparation of this report – N/a**



## **Licensing Policy**

# **Hackney Carriage and Private Hire**

**Revised: DRAFT November 2016**



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## Executive Summary

North Lincolnshire is an area rich in diversity, heritage and green spaces. The area is made up of the main urban area of Scunthorpe, a number of vibrant market towns and quiet villages.

Our priorities are set to achieve the vision for North Lincolnshire of Aspiring People, Inspiring Places. With this vision in mind, the priorities are:

- **ENABLE** communities to thrive and live active healthy and fulfilled lives
- **SUPPORT** safeguard and protect the vulnerable
- **SHAPE** the area into a more prosperous place to live, work, invest and play
- **COMMISSION** to improve outcomes for individuals and communities
- **TRANSFORM** and refocus, ensuring we remain a dynamic and innovative council

Underpinning our priorities, our values are important and key to delivering services, such as **Accountable**- deliver on the promise we make and take responsibility; **Collaborative**- work together to deliver the right outcomes; and **Transparent**- open and honest in all that we do.

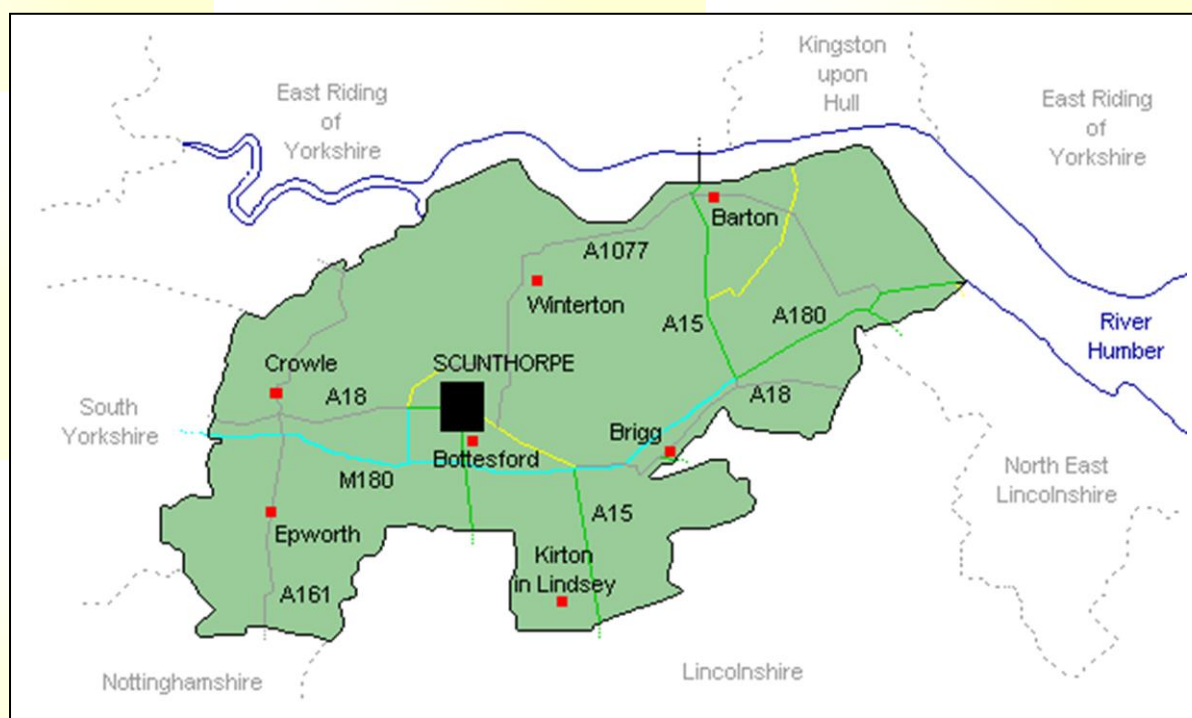
The licensing function is able to support all of the Council's Priorities in some way, although the main area is to safeguard and protect the vulnerable. The licensing function is a statutory service where businesses wishing to trade in regulated activities need an authorisation or a licence. Having said that, the Council wants to see a strong vibrant economy and as such will support well managed operators, professional drivers and proprietors who provide excellent vehicles. The Licensing Authority will **Engage** with Hackney Carriage and Private Hire businesses and drivers, working in partnership to build the support the licensed trade; **Encourage** drivers, operators and proprietors to adopt and work to "Best Practice" standards; **Educate** businesses and drivers where their standards fall short of what is required and **Enforce** where they seem unable or unwilling to bring themselves to the standard required. The Hackney Carriage and Private Hire trade is capable of delivering much if all parties work together in partnership, openness and integrity.

## **Section One**

### **Introduction**

#### **1 The Area of North Lincolnshire**

- (1) North Lincolnshire covers a mix of urban and rural areas. It includes the towns of Scunthorpe, Barton upon Humber and Brigg. There are also several other market towns, villages and rural areas. Its total area is 328 square miles.
- (2) The 2011 Census gave the population of North Lincolnshire as 167,446. Of these, 76,200 live in Scunthorpe and Bottesford. The other 91,246 people live in the rural areas, which include the towns of Barton upon Humber and Brigg.
- (3) Large concentrations of licensable activities are located in Scunthorpe town centre, in the areas of Doncaster Road, the High Street and Frodingham Road.
- (4) Below is a map of the area.



#### **2 General Information**

- (1) The primary legislation relating to Hackney Carriage and Private Hire Licensing is contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

- (2) The aim of this policy is to ensure the safety and welfare of the population who live and work in North Lincolnshire, while recognising the importance of the businesses to the local economy.
- (3) This policy will provide guidance to the Licensing Authority when considering licence applications for:
  - Hackney Carriage and Private Hire Vehicle Drivers
  - Hackney Carriage Vehicles
  - Private Hire Vehicles
  - Private Hire Operators
- (4) The requirements for each of these types of licence are detailed in **Sections 3 to 6**.

### **3 Licensing Objectives**

- (1) There are no licensing objectives set under either the Town Police Clauses Act 1847 or the Local Government (Miscellaneous) Provisions Act 1976. Setting objectives locally enables the Licensing Authority to set out our priorities when dealing with the Hackney Carriage and Private Hire trade. Our objectives are:
  - Ensure that operators, drivers and proprietors act with honesty and integrity;
  - The protection of vulnerable people and children being transported in hackney carriage and private hire vehicles;
  - Ensure the safety of licensed vehicles
- (2) Each of these objectives are equal in importance. In delivering our service we will work with interested parties to promote these objectives in a transparent manner.

### **4 Consultation**

- (1) In determining this Licensing Policy, North Lincolnshire Council has consulted the following persons/bodies:
  - Federation of Small Businesses
  - Disabled Access Groups
  - Training Providers (North Lindsey College & Hull College)
  - Scunthorpe Charter Trustees
  - Town & Parish Councils
  - Trade Associations
  - Licence Holders
  - Taxi Users
- (2) In addition, various other professional persons within North Lincolnshire Council have been consulted. These include:



- Legal Services, including Democratic Services
- Community Safety Partnership
- Town Centre Manager
- Highways
- The Mayor's Office
- Leader of Conservative Group
- Leader of Labour Group
- Chair of Licensing Committee
- Cabinet Member for Environment
- Fleet Services

- (3) The views of all the appropriate bodies and organisations have been taken into consideration and weighted appropriately.

## **5 Review of the Licensing Policy**

- (1) The Council will review this policy every five years. At the time of the review all interested parties will again be consulted. In addition to the three yearly reviews, this policy will be subject to continuous evaluation and may be updated at any time.

## **6 Contacts**

- (1) The Licensing Team is currently part of the Places Directorate. Our address is:

Licensing Team  
Church Square House,  
PO Box 42,  
Scunthorpe,  
North Lincolnshire,  
DN15 6XQ.

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

- (2) To ask about any licensing issue, first contact the Licensing Team on (01724) 297750. We have attached a list of useful contacts in **Appendix A**.



## **Section Two**

### **Licensing Principles, Process and Delegation**

#### **7. Introduction**

- (1) The council has adopted Part II of the Local Government (Miscellaneous Provisions) Act 1976 as amended. Together with the provisions contained in the Town Police Clauses Act 1847, the Council carries out the licensing of hackney carriage drivers and vehicles and private hire drivers, vehicles and operators.
- (2) This part of the policy will focus on the principles the Council will follow when dealing with licence applications, reviewing conditions, setting fees and setting the table of fares. It explains the roles and duties of the Licensing Committee and Officers.

#### **8 Licensing Principles**

- (1) The Licensing Authority aims to provide a clear consistent service to the service user. We will look to balance the needs of the applicant against the need to protect the safety of the public.
- (2) All licence applications will be considered and determined on their own merits.

#### **9 Licensing Committee & Sub Committee**

- (1) North Lincolnshire's Licensing Committee is made up of between 9 and 15 Members of the Council. The Licensing Committee will deal with policy issues, conditions, fees and fares. The Licensing (Miscellaneous) Sub-Committee is made up of 5 Members who will determine applications and review licences.
- (2) The public must be able to see that the Licensing Committee and Licensing Sub-Committee act in a fair and reasonable manner at all times. Therefore, all members of the Licensing Committee must attend in-house training before they can sit on the Licensing Committee or Sub-Committee. Significant contact with members of the Licensing Committee prior to a hearing by an applicant may result in the said member being unable to determine an application.
- (3) All members of the Licensing Committee are required to undertake safeguarding and CSE awareness training before they are permitted to sit on the Committee. Where there is a change to the Committee due to a local election, or a change to the Committee following the annual meeting, then members will be allowed to attend the first meeting to appoint the Chairperson, but will be required to attend the training before they are permitted to sit on the Committee again.

- (4) Members of the Licensing Committee should not hear an application or make a decision on an application where an applicant is known to them. This measure is in the interests of reducing a conflict of interest.
- (5) Members will determine applications for a licence in accordance with guidance, which is provided. The guidance has been approved as part of this policy. The guidance are as follows
  - **New Applications** – Guidance to Members (Applications for Hackney Carriage and Private Hire Vehicle Drivers' Licences)
  - **Review of Licences** – Guidance to Members (Review and Application to Renew a Hackney Carriage and/or Private Hire Vehicle Drivers' Licence)
  - **Penalty Points Appeal** – Guidance to Members (Appeal of Penalty Points)
  - **Operators Licence** – Guidance to Members (Applications and Reviews of Private Hire Operators Licences)
- (6) The guidance documents are based on the Department of Transport Circular 2/92 and the Home Office Circular 13/92. The Guidance can be found at Appendices' B, C, D and E respectively.

## 10 The Licensing Process & Delegation of Functions

- (1) The Council will delegate its licensing function to either the Licensing Committee, Licensing Sub-Committee or to an Authorised Officer of the Council. Delegation will be as follows:

Matter to be dealt with	Full Committee	Sub-Committee	Officers
Determine Licence Fees	All cases		
Determine Table of Fares	All cases		
Determine objections to fees or table of fares			Licensing Manager in consultation with the Chair of the Licensing Committee
Determination of application for a Hackney Carriage/Private Hire Vehicle Drivers Licence		All cases where there is doubt that the applicant is a fit & proper person	If no offences are revealed on the DBS check or endorsements on the licence
Revoke a Hackney Carriage/Private Hire Vehicle Drivers Licence following a complaint, conviction, endorsement, etc		All Cases	Licensing Manager/ Licensing and Mediation Officer in consultation with Chair of the Licensing Committee if there is an urgent need in order to protect the public
Suspend a Hackney Carriage/Private Hire Vehicle Drivers Licence following a complaint, conviction, endorsement, etc		All other cases	Licensing Manager/ Licensing and Mediation Officer in consultation with Chair of the Licensing Committee if there is an urgent need in order to protect the public or where a Medical Certificate is outstanding

Suspend a Hackney Carriage or Private Hire Vehicle			All cases
Revoke a Hackney Carriage or Private Hire Vehicle licence		All other cases	Licensing Manager/ Licensing and Mediation Officer where the vehicle has been suspended under section 68
Refuse a Hackney Carriage or Private Hire Vehicle licence		All other cases	Licensing Manager/ Licensing and Mediation Officer where the vehicle fails to meet the council's standard for licensing
Suspend/Refuse or Revoke an operator's licence		All cases	
Setting Local Knowledge Test and Study Guide			Licensing Manager
Determination of Advertising			All cases
Determination of a s75 application and withdrawal of authorisation			All cases
Attach Points to Hackney Carriage and Private Hire Drivers, Operators and Vehicle Licences		In accordance with Schedule 1 of Appendix G	In accordance with Schedule 1 of Appendix G
Issue a section 58 notice			All cases
Amending the Hackney Carriage and Private Hire Test and Inspection Manual			Licensing Manager in consultation with the Councils MoT Testing Station Manager
Review and determination of procedures used at a Committee Hearing			Licensing Manager in consultation with Legal Services, Democratic Services and the Chair of the Licensing Committee

- (2) Where an application is referred to the Licensing Sub-Committee, it will be determined on its own merits. Members of the Committee will take into consideration the information contained in the report, and hear the representations of the applicant.

## 11 Committee Decisions

- (1) Following the determination of an application by the Licensing Sub-Committee the applicant will receive a copy of the decision in writing. This written decision will be delivered as soon as possible after the decision has been made, or in any case within 7 days of the hearing. This will include information on the right of appeal where appropriate.
- (2) Members will follow the guidance as detailed in this policy when making decisions. Where they deviate from the guidance they will provide written reasons for doing so.

## **12 Officer Decisions**

- (1) Where a decision has been made by an Officer under delegated powers, a decision record is prepared and published. Decisions are made in accordance with the scheme of delegation at **paragraph 10**. When determining applications, Officers will follow this policy and other standards set by the Licensing Authority.

## **13 Appeals**

- (1) Parties aggrieved by a decision of the Licensing Authority have a right of appeal. This should be lodged with the Magistrates Court within 21 days of the notification of a decision. Where there is an element of doubt, then the matter will be referred to the Licensing Sub-Committee.

## **14 Working in Partnership**

- (1) The Council aim to work in partnership when dealing with hackney carriage and private hire licensing issues. Such partnerships will include Humberside Police, Safer Neighbourhoods, Training Providers and the licence holders.

## **15 Licensing Forum**

- (1) A Licensing Forum will be held with representatives from the hackney carriage and private hire trade every three months. This meeting will normally be chaired by the chairperson of the Council's Licensing Committee. Representatives will be invited from other organisations to assist in the consultation process.

## **Section Three**

### **Hackney Carriage and Private Hire Vehicle Drivers**

#### **16 Summary**

- (1) Any person who drives a hackney carriage vehicle must hold the appropriate vehicle drivers licence. Hackney carriage vehicle drivers' Licences are issued in accordance with section 46 of the Town Police Clauses Act 1847.
- (2) Any person who drives a private hire vehicle must hold the appropriate vehicle drivers licence. Private hire vehicle drivers licences are issued in accordance with section 51 of the Local Government (Miscellaneous Provisions) Act 1976.
- (3) A person can apply for a licence to drive either a hackney carriage or private hire vehicle or they can apply for both types of licence.

#### **17 Fit and Proper Person**

- (1) Licensed drivers will be required to convey vulnerable adults and/or children in their vehicles. The Council will not licence anyone to drive a hackney carriage or private hire vehicle unless it is satisfied that they are a "fit and proper" person. In considering the fit and proper test, applicants will be required to satisfy the application process outlined in **paragraph 18**.
- (2) When licensing drivers of licensed vehicles, we will consider matters that support the following two licensing objectives:
  - Ensure that operators, drivers and proprietors act with honesty and integrity;
  - The protection of vulnerable people and children being transported in hackney carriage and private hire vehicles;
- (3) With an application, the onus is on the applicant to prove that they are a fit and proper person and we cannot issue a licence unless we are satisfied.

#### **18 Application Process**

- (1) Licences are issued on a three yearly basis (subject to the provisions contained in **paragraph 33** and all applicants are required to undertake and produce or prove the following:
  - Application form
  - Enhanced Disclosure and Barring Service (DBS) Check
  - Local Knowledge Test



- DVLA or other appropriate licence, which must have been held for not less than 12 months
  - DVLA Check Code
  - Taxi Driver Standards Test in certain circumstances
  - One passport size colour photograph (Endorsed).
  - Medical Certificate obtained from the applicants own GP or in consultation with their medical history.
  - Certificate of Good Conduct
  - Right to Work
  - Safeguarding and Child Sexual Exploitation (CSE) Awareness Training
  - English Language (can converse and read and write)
  - Licence Fee
- (2) An application for a hackney carriage or private hire vehicle drivers' licence can be made online. Where such an application is made, the applicant will still need to meet the criteria detailed in **paragraph 18(1)**.

## **19 Application Form**

- (1) The application form must be completed. If any part of the application form is not complete, the applicant will be required to provide all the required information before the application can proceed.
- (2) Applicants are advised to download the application form from our website to ensure that it is up to date. If an applicant completes an old application form then we will ask for a new form to be completed before we start processing the application.
- (3) The application form, medical certificate and photograph should be submitted at the same time, along with the applicant's original DVLA or other appropriate driving licence and the check code. If any of these items are missing, the application may be delayed. A DBS check will be requested on receipt of the application form.
- (4) Guidance on the application process is provided for applicants. Although this guidance is available in languages other than English, it is essential that applicants are able to converse in English.
- (5) Where an applicant is found to have provided false information or knowingly omitted to declare information, the application shall be referred to the Licensing (Miscellaneous) Sub-Committee, who will determine the application.

## **20 Disclosure and Barring (DBS) Check**

- (1) All persons applying to drive a hackney carriage or private hire vehicle will be required to have a DBS check on initial application and on renewal thereafter. Further checks may be carried out if we have



reason to think that a person has been convicted of an offence since they were last licensed. These checks will be carried out at the expense of the licence holder.

- (2) On return of the DBS check where convictions have been disclosed, an assessment panel will be held. This panel will consider the conviction(s) and should it be deemed relevant, then the application will be referred to the Licensing (Miscellaneous) Sub-Committee for consideration.
- (3) All new applicants for a licence will be required to have an interview while the DBS form is completed. During the interview, documentation will be checked to prove the identity of the applicant and checks will be made at this time to ensure that the documents provided are authentic.
- (4) Where an applicant is barred from working with either vulnerable adults or children, then they will be referred to the Licensing (Miscellaneous) Sub-Committee. The Committee will determine if the person is “fit and proper” in the case of new applicants’ or will consider matters under “any other reasonable cause” for renewals. Such determinations shall be made in accordance with the Guidance for Members for new applications is at Appendix B of this policy and the Guidance for Members for renewals is at Appendix C.

## **21 Knowledge Test**

- (1) Applicants for a hackney carriage and private hire vehicle drivers’ licence will be required to sit a knowledge test. The test will cover local routes, legislation and road craft. The questions in the knowledge test will be derived from the study guide, which is available from our website. There are four parts to the Knowledge Test, which are:
  - Part A (Local Routes);
  - Part B (Hackney Carriage Legislation);
  - Part C (Road Craft); and
  - Part D (Private Hire Legislation).
- (2) Applicants for a hackney carriage vehicle drivers’ licence will be required to sit and pass Parts A, B and C, and attain an 80% pass in Part A; 90% in Part B; and 80% in Part C. Where an applicant passes either Part A, B or C, they will not be expected to re-take that part again should they fail another part of the test.
- (3) Applicants for a private hire vehicle drivers’ licence will be required to sit and pass Parts C and D, and attain an 80% pass in Part C; and 90% in Part D. Where an applicant passes either Part C or D, they will not be expected to re-take that part again should they fail the other part of the test.

- (4) Parts A and C shall consist of 20 questions while Parts B and D shall consist of 10 questions. Applicants wishing to apply for both types of licence shall be required to complete all parts of the knowledge test.
- (5) Private hire operators may be authorised by the Licensing Authority to conduct Parts C and D of the knowledge test on behalf of the Licensing Authority. Where an operator is so approved, they shall conduct the knowledge test on set days at pre-arranged times. Officers from the Licensing Authority shall audit the tests to ensure that they are conducted appropriately.
- (6) Normal examination conditions will apply during the knowledge test. Any person found to be using unfair means during the test will be excluded from the said test and will be required to take a fresh test and pay the appropriate fee.
- (7) Should an applicant wish for us to provide them with a copy of the study guide, we will do so at a cost of £27.50 (as at the point this policy is published) to cover administration. This fee will be reviewed with the other fees, and may increase without the revised fee being included in this policy.

## **22 DVLA and Other Relevant Driving Licences**

- (1) A person applying for a hackney carriage or private hire vehicle drivers' licence must have held a DVLA or other relevant driving licence for at least 12 months. In addition to this requirement, a Taxi Driver Standards Test will be required for certain drivers in accordance with **paragraph 23**.
- (2) Applicants will be required to produce the original of their DVLA driving licence. Copies will not be accepted.
- (3) Applicants will be required to produce a DVLA drivers licence check code. This may be obtained from [www.gov.uk](http://www.gov.uk). Applicants should ensure that the code has not been used and is presented in a timely manner.
- (4) Where an applicant holds an EU driving licence, this will be treated the same as a DVLA licence. Having said that, where a person has been resident in the UK for more than 12 months they must hold a DVLA licence therefore we would not accept an EU licence if they have been resident in excess of that time.

## **23 Taxi Driver Standards Test**

- (1) Statistically young and new drivers are more likely to be involved in accidents than experienced drivers. The minimum requirement for a person to hold a hackney carriage or a private hire vehicle drivers

licence is that they must have held a DVLA, or other appropriate driving licence for at least 12 months.

- (2) Where an applicant has not held their DVLA Licence for a period of more than five years we will require the driver to pass our Taxi Driver Standards Test before we will grant a licence.
- (3) Where a new applicant has six or more points on their DVLA driving licence; or has been banned from driving in the last three years for totting up; or five years for serious road traffic offences (as defined in this policy), they will be required to undertake the Taxi Driver Standards Test before we will grant a licence.
- (4) Where a licensed hackney carriage or private hire vehicle driver is convicted of a driving offence, has been issued with a Fixed Penalty or, in the opinion of a Police Constable or Authorised Officer, has driven or parked in a dangerous manner, the person's licence may be reviewed by the Licensing (Miscellaneous) Sub-Committee, who may require the said person to undertake and pass a driving test within a set time, as specified by the Committee. The Licensing (Miscellaneous) Sub-Committee may determine that the licence is suspended until such a test has been taken and passed.
- (5) A copy of the Taxi Driver Standards Test criteria is attached as **Appendix F**.

## **24 Identity**

- (1) An applicant for a hackney carriage or private hire vehicle drivers' licence must provide one passport photograph. The photograph shall be endorsed by a person of professional standing to the effect that the photograph is a true likeness of the applicant. This should be dated and signed. The person of professional standing must have known the applicant for at least three years.
- (2) The person of professional standing shall not include a relative of the applicant or a prospective employer or another hackney carriage or private hire driver, proprietor or operator, or a Member or Officer of the Council.
- (3) Photographs other than standard passport photographs will not be accepted.
- (4) The applicant should not wear headwear (other than for religious purposes), dark glasses or other items, which cover the head or face and should be taken with a cream or light grey background.

## 25 Medical Requirements

- (1) All applicants for a hackney carriage or private hire vehicle drivers' licence are required to undertake a medical examination. This medical examination should be carried out by the applicant's registered General Practitioner (GP) or in consultation with the applicant's medical history.
- (2) Medical certificates shall be produced on initial application and then every five years up to the age of 65, and yearly for persons over 65 years of age. Where a person suffers from a medical disorder, then the period between medicals may differ.
- (3) Should an Authorised Officer have reason to believe that a licensed hackney carriage or private hire vehicle driver has a medical condition which renders them unfit to drive, a further medical examination will be requested. This medical examination should again be carried out by the driver's GP. If it is deemed necessary to do so, the licence may be suspended in the interests of protecting the public until the further medical examination has been carried out.

## 26 Certificate of Good Conduct

- (1) Persons who have been resident outside the United Kingdom will be required to produce a Certificate of Good Conduct or equivalent document issued by the relevant Embassy or High Commission. The Council may contact the relevant Embassy or appropriate body to verify any documents provided.
- (2) There are certain times that a person may have lived outside the United Kingdom where we would not ask for a Certificate of Good Conduct. These times are as follows:
  - Lived outside the United Kingdom as a member of Her Majesty's Armed Forces, subject to British Law; or
  - Moved to the United Kingdom before the age of 10 years old; or
  - Entered the United Kingdom as an asylum seeker and cannot return to their country of origin for fear of reprisal
- (3) Where a person has been resident outside the United Kingdom as per **paragraph 26(2)**, then we would expect them to produce evidence. Where they cannot provide evidence then we would normally still require a Certificate of Good Conduct. Acceptable evidence would include the following:
  - Discharge Certificate from HM Armed Forces
  - Immigration Documentation
  - Asylum Documentation
- (4) Where a person has lived in the European Union (EU) we would expect them to produce a European Criminal Records Information Systems

Check (ECRIS) or similar, unless they have lived there as per **paragraph 26(2)**, which has been evidenced as per **paragraph 26(3)**.

- (5) It is the applicants responsibility to provide this information. The application will not proceed until such time that it has been provided.

## **27 Right to Work**

- (1) Before we will issue a licence we must be satisfied that a person has the right to live and work in the United Kingdom. We will not issue a licence to expire beyond the time that a person is entitled to work in the country and will have due regard to the Immigration Act 2016.

## **28 Safeguarding and CSE Awareness**

- (1) Before issuing a licence, applicants will be required to attend and pass the Safeguarding and CSE Awareness Training. The core of the training will focus on these areas, however we reserve the right to add other subject matter that is deemed appropriate to support our licensing objectives.

## **29 Criminal History**

- (1) Due to the nature of the occupation, hackney carriage and private hire vehicle drivers are an exempt occupation under the provisions of the Rehabilitation of Offenders Act 1974. As a result, convictions disclosed following a DBS check as referred to in **paragraph 20**, or other information provided in accordance with **paragraph 26** are deemed never to be spent. When considering convictions and endorsements, the Council will only take into consideration such convictions that are deemed to be relevant.
- (2) A criminal record does not automatically bar an applicant from holding a hackney carriage or private hire vehicle drivers licence. The Council has adopted guidance for members relating to a person's criminal history. This guidance is detailed in **paragraph 9(4)** and can be found at **Appendix B, C, D and E**.
- (3) Where non-conviction information is provided on a DBS certificate, we will consider if it is relevant for the purpose of determining if a person is "fit and proper". Should the information provided be deemed relevant, then it will be considered in accordance with **Schedule 1 of Appendix G** as if the date of complaint were the date of conviction. Each case shall be determined on its own merits.

## **30 English Speaking**

- (1) Applicants for hackney carriage and private hire vehicle drivers' licences must be able to converse in English. Drivers may potentially



be carrying vulnerable adults and children and it is important that language should not be a barrier to communication.

- (2) In addition, it is expected that hackney carriage and private hire vehicle drivers are able to read and write in English. All applicants for a licence are expected to have as a minimum, B1 level of English. Applicants for a new licence and to renew will only be required to prove this level of English on one occasion.

### **31 Qualifications**

- (1) The Council recognises and supports training and qualifications for licensed hackney carriage and private hire vehicle drivers. It is considered important for licensed drivers to hold the BTEC in Transporting Passengers by Taxi or Private Hire Vehicle and the NVQ in Road Passenger Vehicle Driving, however the Council will not insist that drivers hold qualifications in order to obtain a licence.

### **32 Determination of an Application**

- (1) Officers have delegated authority to issue a licence where they are satisfied that the person is fit and proper. If the Officer has any doubt about the person, then the applicant will be referred to the Licensing (Miscellaneous) Sub-Committee for their consideration.
- (2) The Officers and the Members of the Licensing (Miscellaneous) Sub-Committee will follow the provisions contained within this policy. There may be times when it is prudent to deviate from this policy. Where this occurs, the full reasons for deviating from the policy will be provided in writing.

### **33 Period of Licence**

- (1) Hackney carriage and private hire vehicle drivers licences are issued for a period up to three years.
- (2) A licence to drive either a hackney carriage or private hire vehicle will not be issued to expire after a person's DVLA Licence or right to work has expired. Where a licence is issued for a lesser period than the three years it would normally be extended to cover the said period once either the DVLA Licence or right to work has been extended.
- (3) Where a person has been declared fit, albeit that they have a diagnosed medical condition which requires regular medicals, then depending on the circumstances the licence might require renewal rather than extending. Each case will be determined on its merits.
- (4) Subject to an appearance before the Licensing (Miscellaneous) Sub-Committee, a licence may be issued for a period lesser than the three years where the Committee consider it reasonable.

### **34 Renewal of Hackney Carriage and Private Hire Vehicle Drivers' Licences**

- (1) Where a person holds a hackney carriage or private hire vehicle drivers licence, they can apply to renew the licence prior to the expiry date.
- (2) Licensed drivers applying to renew their licence are subject to a number of the provisions contained within **paragraphs 18(1)** of this policy.
  - Application form
  - Enhanced Disclosure and Barring Service (DBS) Check
  - DVLA Licence
  - DVLA Check Code
  - Taxi Driver Standards Test in certain circumstances
  - One passport size colour photograph
  - Medical Certificate obtained from the applicants own GP or in consultation with their medical history (if it has expired)
  - Certificate of Good Conduct (if the applicant has lived outside the United Kingdom during the current period of the licence)
  - Right to Work (foreign nationals)
  - Safeguarding and Child Sexual Exploitation (CSE) Awareness Training
  - English Language (can converse and read and write)
  - Licence Fee
- (3) Should the licence expire, then the applicant will be required to fulfil the criteria set out in **paragraph 18(1)** of this policy unless an application is made before the said expiry date of the licence. In certain cases, the Licensing Manager or Head of Service will have discretion to consider an application made after the licence has expired as a renewal. Where the licence has expired, applicants must not drive a licensed vehicle until such time that they hold a valid licence.
- (4) Further to the provisions detailed in **paragraph 34(3)**, the Licensing Manager or Head of Service may remit some or all of the criteria set out in **paragraph 18(1)** where exceptional circumstances have resulted in the application being received after it has expired, albeit that they must be satisfied that the applicant is a "fit and proper" person.
- (5) Before granting the renewal of a hackney carriage and/or private hire vehicle drivers licence we must be satisfied that the person is "fit and proper" and may refuse to renew a licence in accordance with section 61 of the Local Government (Miscellaneous) Provisions Act 1976.

### **35 Renewal of a Licence (Applicants of Previous Good Character)**

- (1) Where an application has been submitted to renew a licence before the expiry of the current licence, the applicant is previously of good

character, a further licence may be issued before the return of the DBS certificate so long as the following criteria has been satisfied:

- Any convictions or endorsements have been declared in accordance with any requirements; and
  - The applicant is not due to be referred to the Licensing (Miscellaneous) Sub-Committee for any reason; and
  - The applicant has signed up to the DBS update service; and
  - Officers are authorised to issue a licence in accordance with **paragraph 36** of this policy.
- (2) The Licensing Manager and Head of Service shall be authorised to determine who would be considered as a person previously of good character.
- (3) Applicants will be required to declare that there is no additional information on the DBS certificate that might have a material impact on the renewal of the licence.
- (4) Where a licence is issued subject to the return of the DBS certificate, it will be issued for a period of three months and then extended on the return of the certificate. The certificates are returned to the applicant, therefore they must produce the certificate as soon as it returns, or in any case within 10 days of the date of issue. Failure to produce the document within this period may result in penalty points being issued or the applicant being referred to the Licensing (Miscellaneous) Sub-Committee for review.
- (5) On return of the DBS certificate the licence will be extended to expire in accordance with **paragraph 33** of this policy.
- (6) Where a DBS certificate is returned with a conviction or endorsed with information that has an impact on the decision made, then if this would normally have meant that a licence would not have been issued, then the licence may be revoked with immediate effect, forfeited or penalty points issued. The Licensing Manager or Head of Service shall have the delegation to determine the most appropriate course of action.

### **36 Determination of an Application to Renew a Licence**

- (1) Officers have delegated authority to issue a licence where they are satisfied that the person is fit and proper. If the Officer has any doubt about the person, then they will be referred to the Licensing (Miscellaneous) Sub-Committee for their consideration, even where the applicant has been presented before the Committee previously.
- (2) The Officers and the Members of the Licensing (Miscellaneous) Sub-Committee will follow the provisions contained within this policy. There may be times when it is prudent to deviate from this policy. Where this



occurs, the full reasons for deviating from the policy will be provided in writing.

### **37 Review of a Licence**

- (1) When reviewing a licence, we are not looking at whether a person is “fit and proper” rather the licence is reviewed under section 61 of the Local Government (Miscellaneous) Provisions Act 1976.
- (2) Under section 61(1)(a) we can review a licence for one of the following reasons:
  - the person has been convicted of an offence of dishonesty, indecency or violence; or
  - has been convicted of an offence under either the Local Government (Miscellaneous) Provisions Act 1976 or the Town Police Clauses Act 1847; or
  - for any other reasonable cause
- (3) Please refer to the Act of 1976 for the actual wording.
- (4) The wording “any other reasonable cause” is very broad. We will review a licence where we have had a complaint that has been substantiated, where the person has amassed 12 or more points on their licence under the Penalty Points Scheme, or where they have relevant convictions or endorsements.
- (4) Members will follow the guidance as detailed in this policy when making decisions. Where they deviate from the guidance they will provide written reasons for doing so.

### **38 Determination of a Review**

- (1) Where Officers have a doubt whether a person is fit and proper, the said person will be referred to the Licensing (Miscellaneous) Sub-Committee under section 61 of the Local Government (Miscellaneous) Provisions Act 1976. A review under this section can be because a person has been convicted of a certain type of offence or for any other reasonable cause.
- (2) Where a person has accumulated 12 or more penalty points under the penalty points scheme they will be referred to the Licensing (Miscellaneous) Sub-Committee for consideration.
- (3) The Officers and the Members of the Licensing (Miscellaneous) Sub-Committee will follow the provisions contained within this policy. There may be times when it is prudent to deviate from this policy. Where this occurs, the full reasons for deviating from the policy will be provided in writing.

### **39 Complaints and Non-Conviction Information**

- (1) Where information is received that a licensed driver has been convicted of a relevant offence or where information is received either by way of complaint or non-conviction information is disclosed by another party, then the information will be considered to determine if it is relevant.
- (2) If the information has been determined as relevant then the appropriate action will be taken. Such action could result in a referral to the Licensing (Miscellaneous) Sub-Committee for a review of the licence or a suspension with immediate effect if it is in the public's interest to do so. Such action shall be in accordance with the table at **paragraph 10** of this policy.
- (3) When considering complaints and non-conviction information under any other reasonable cause, each case shall be considered in accordance with **Schedule 1 of Appendix G** as if the date of complaint were the date of conviction. Each case shall be determined on its own merits.

### **40 Code of Conduct**

- (1) Once licensed, we expect drivers to act in a professional manner. From experience, there are certain types of behaviour that we find unacceptable. The code of conduct does not form a condition attached to a licence however a breach of the code of conduct would be considered under any other reasonable cause. Where the infringement is minor, then penalty points may be attached to the person's record in accordance with **Schedule 1 of Appendix G**. A copy of the Code of Conduct can be found at **Appendix H**.

### **41 Carriage of Assistance Dogs and Wheelchairs**

- (1) All drivers are required to carry assistance dogs in their vehicle without any additional charge and to provide reasonable assistance to persons in wheelchairs.
- (2) Drivers are required to allow passengers with assistance dogs to be seated in the vehicle together. It is the passengers choice as to where they sit in the vehicle.
- (3) Drivers must afford reasonable assistance to passengers who are disabled at no additional cost. As a result, drivers should not turn the meter on until the journey starts and they cannot charge more for loading or unloading the passenger or their goods.
- (4) Where a driver has a medical condition which means that they cannot carry assistance dogs or assist with passengers in wheelchairs, then must provide written confirmation from their consultant and consent

which allows us to seek confirmation from the said consultant. Should such evidence be provided, then we may issue a Tactile Medical Exemption, which must be displayed in the vehicle.

## **42 Dress Code**

- (1) Drivers of hackney carriage and private hire vehicles should dress in an appropriate manner. Clothing and footwear should be appropriate for a professional driver and shall be clean and free from damage. North Lincolnshire Council's Dress Code for Licensed Hackney Carriage and Private Hire Drivers is attached as **Appendix I**.

## **43 Licence Conditions**

- (1) Private hire vehicle drivers licences can have conditions attached to them in accordance with the Local Government (Miscellaneous Provisions) Act 1976.
- (2) A copy of the Private Hire Vehicle Drivers Licence conditions is appended to this policy as **Appendix J**.
- (3) The Private Hire Vehicle Drivers licence conditions will be reviewed with this policy on a three yearly basis, thus ensuring that they are reasonable and fit for purpose
- (4) Conditions cannot be attached to hackney carriage vehicle drivers licences.

## **44 Refunds of Application Fees**

- (1) Where an application is unsuccessful, there is a duty to refund the licence fee. When determining the amount to be refunded we will refund all the money paid save where we have costs associated with the application.

## **45 Data Protection**

- (1) We will keep people's personal information secured at all times. The information we hold should be up to date and there is a requirement that applicants and licence holders keep us informed of any changes. We will require this notification to be in writing.
- (2) When sending information out to applicants and licence holders we will normally send this to a person's home address or to a legal representative, unless there is a good reason to send the information to an alternative address. The Licensing Manager will consider any representations to send information to an alternative address.
- (3) We will only use the information provided for its intended purpose, save where the information may be disclosed for the prevention or detection

of crime; use in a legal case or to protect public funds. In such cases we would normally expect a request to be made under the Data Protection Act 1998. Where we hold information and it could be useful to another enforcement authority we may provide information under section 115 of the Crime and Disorder Act 1998, but would only include such information that is proportionate and necessary.

- (4) We will only retain information as long as necessary. As fees are payable on applications, we will retain information for a period of six years after the licence has expired or been refused.

## **Section Four**

### **Hackney Carriage Vehicles**

#### **46 Summary**

- (1) Hackney carriage vehicles are licensed in accordance with the provisions contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.
- (2) Commonly known as taxis, hackney carriages can be hailed in the street and may ply for hire on an appointed stand.
- (3) Before we issue a licence, we must be satisfied that the vehicle is fit safe and comfortable to be used as a licensed hackney carriage. This supports our third licensing objective of ensuring the safety of licensed vehicles.

#### **47 Use of Vehicles**

- (1) A person applying for a licence for a hackney carriage vehicle should do so with the intention of using the vehicle in the controlled district of North Lincolnshire. Where the intention is to use a licensed vehicle in another district for private hire, then the applicant should apply to the said district for an appropriate licence.
- (2) Applicants will be required to make a declaration on their application form stating that they intend to use the hackney carriage vehicle within the controlled district of North Lincolnshire. Should evidence be gathered that the vehicle is being used outside the area, then we may review the licence as a breach of this part of the policy.

#### **48 Application Process**

- (1) In addition to completing an application form, a person wishing to licence a hackney carriage vehicle will need to submit the following:
  - Certificate of Compliance
  - Mechanic Test Sheet
  - Valid Certificate of Insurance for public hire
  - A Bill of Sale
  - V5
  - Evidence that the vehicle complies with the Euro Emission standard
  - Road Tax
  - Other Documents as necessary
  - Meter Check
  - Licence Fee

## 49 Standard of Vehicles to be Licensed

- (1) Vehicles licensed to carry persons for hire and reward must be fit, safe, comfortable and suitable for the purpose for which they are licensed. To ensure that vehicles within the controlled district of North Lincolnshire meet these criteria, the Council has specified that vehicles will be tested and inspected in accordance with the following table.

Age of Vehicle	Test and Inspection Requirements
Under 5 years of Age	Annually
Between 5 years and under 8 years of age	Tested twice per annum (6 monthly intervals)
Over 8 years of age	Tested three time per annum (4 monthly intervals)

- (2) The age of the vehicle will be taken from the date on which the licence will come in to force.

## 50 Testing and Inspection of Vehicles

- (1) Vehicles will be tested at the council's MoT test station. On satisfactory completion of the test, a Certificate of Compliance will be issued. The test includes a number of items in addition to the normal MoT test, which can be found in the Hackney Carriage and Private Hire Vehicle Compliance Testing Standards. The fee for the test will be paid directly to the test station and will not form part of the licence fee.
- (2) The Certificate of Compliance once issued is only valid in conjunction with a valid hackney carriage vehicle licence.
- (3) Once the vehicle has passed the test, it will be inspected by a Licensing Officer to ensure compliance with the licence conditions and visual standards. The inspection will be conducted in accordance with the Hackney Carriage and Private Hire Vehicle Compliance Testing Standards (Part III).
- (4) There is an expectation that vehicles will be presented as they are intended to be used to carry passengers for hire and reward. Where a vehicle is presented and fails the inspection, a fee may be charged for a re-inspection, save where the defect is minor.
- (5) Vehicles will be tested and inspected in accordance with **paragraph 49 of this policy**.
- (6) Once tested, proprietors must ensure that the vehicle is presented for the inspection within 15 working days from the date of the test and if



presented over this period, within 500 miles of the test being carried out.

## **51 Supplementary Inspections**

- (1) Further to the number of tests and inspections detailed in **paragraph 49**, the licence holder will be required to submit a supplementary application with valid insurance and proof that the vehicle has passed the mechanical test. A further inspection will not be carried out at this time.

## **52 Period of Licence**

- (1) A hackney carriage vehicle licence will be issued for a period less than 12 months depending on the individual circumstances relating to the vehicle. Such circumstances will be dependent on the age of the vehicle.

## **53 European Emission Standards**

- (1) In addition to the age requirements detailed in **paragraph 50**, it is considered reasonable for licensed hackney carriage vehicles to meet European Emission Standards.
- (2) All applicants for a hackney carriage vehicle licence will need to ensure that the vehicle they wish to licence complies with the **Euro 4** standard. From 31 December 2018 all vehicles will be required to meet the **Euro 5** standard at the next test/inspection.
- (3) Technical details of the Euro Emissions Standards are available on request or are available at [www.carfueldata.direct.gov.uk](http://www.carfueldata.direct.gov.uk).

## **54 Licensing of Vehicles Over Eight Years of Age**

- (1) The Council would not normally licence new vehicles that are over eight years of age as a hackney carriage. However, where a vehicle over eight years of age is presented for licensing, it will be considered if it is deemed to be in an exceptional condition.
- (2) In defining the exceptional standard for vehicles over eight years of age, the following criteria will be applied:
  - a) the vehicle shall pass North Lincolnshire Council's test and inspection for the Certificate of Compliance at the first attempt and not on re-test, and;
  - b) the vehicle must be free from body work blemishes; and
  - c) all interior and exterior accessories must be in full working order.

- (3) Where a vehicle has failed North Lincolnshire Council's test or inspection for the Certificate of Compliance at the first attempt for a non-mechanical reason, it may still be considered for licensing providing the vehicle meets criteria b) and c).
- (4) As hackney carriage vehicles are carrying members of the public for hire and reward, we have a duty to ensure that they are fit, safe, comfortable and suitable for use.

## **55 Certificate of Insurance**

- (1) An applicant for a vehicle licence is required to produce a valid certificate of insurance. We will not accept a photocopy of a certificate, however we will accept evidence provided directly from an insurance company or broker. It remains the licence holders or applicant's responsibility to provide this information.

## **56 Proof of Tax**

- (1) Before issuing a licence, we will need to see that the applicant has taxed the vehicle. Although we will inspect the vehicle without valid tax, we will not conduct a meter test if one is needed.

## **57 Bill of Sale and Log Book (V5)C**

- (1) There is a difference between the registered keeper of the vehicle and the proprietor of the vehicle. Before issuing a licence to a person, we need to be satisfied that they own the vehicle, therefore we require the applicant to produce a Bill of Sale in addition to the vehicle's log book.
- (2) The log book (V5)C is used to determine the age of the vehicle and provide other relevant information about the vehicle. This document should be produced as part of the application.

## **58 Meters & Table of Fares**

- (1) Hackney carriage vehicles shall be fitted with a meter and display a table of fares. Such meters must be used at all times when the vehicle is hired by a passenger. We have adopted a maximum table of fares, which allows the passenger to negotiate a lower fare. Although the driver is required to use the meter, any fare agreed which is lower than the metered fare is the amount payable. The driver cannot charge more than the fare shown on the meter and may not charge any surcharges for picking passengers up within the controlled district.
- (2) In order to reduce the risk of overcharging, all licensed hackney carriage vehicles shall be fitted and operated with a calendar-controlled meter.



## **59 Displaying the Table of Fares**

- (1) All hackney carriage vehicles shall display two copies of the table of fares. The first copy of the authorised table of fares must be displayed on the dashboard in the front of the vehicle, with a second copy of the table of fares on the rear near side passenger window. These table of fares shall include any notice required by the Licensing Authority.

## **60 Changes to the Table of Fares**

- (1) We will only consider changes to the table of fares on an annual basis and then at the written request of the licensed hackney carriage drivers or their representatives. Additional changes to the table of fares, above and beyond any annual change will only be considered where there is a significant increase in costs, albeit that we would expect the person or organisation to provide evidence of this.

## **61 Roof Signs**

- (1) All hackney carriage vehicles shall be fitted with a roof sign. The roof sign shall display the wording "TAXI" or "For Hire" on the front of the sign, the company name or both. The rear of the sign can be used to display the company name or landline telephone number of the business, or the wording "TAXI" or "For Hire". Roof signs shall not be blank. Where a roof sign does not display the wording "TAXI" or "For Hire", then a screen sign shall be displayed on the near side of the front windscreen.
- (2) The company name should not be in the form of a number, unless this has been approved by the Licensing Authority.
- (3) Roof signs shall show either white or yellow from the front and either red or yellow to the rear when illuminated and the sign shall be displayed with the front of the sign facing the front of the vehicle
- (4) All roof signs shall be a standard size of 457mm wide, by 152mm deep and 112mm in height.
- (5) The roof sign shall display the licence number of the vehicle on each end in typed figures no smaller than one inch in height.
- (5) Proprietors must ensure that all information on the roof sign is correct and complete, including all wording and telephone numbers.
- (6) Proprietors shall not change the roof sign attached to the vehicle without prior written consent of the Council.

## **62 Vehicle Identification**

- (1) All hackney carriage vehicles will be required to display a rear licence plate, door panels, internal signs and roof sign. The rear licence plate shall be displayed in accordance with **paragraph 63** of this policy, the door panel in accordance with **paragraph 64** and the internal signs in accordance with **paragraph 65**.

## **63 External Plates**

- (1) The external licence plate shall be fixed securely, but not tied to the vehicle, adjacent to the vehicle's registration plate; to the centre of the rear bumper; or to offside of the rear bumper. Plates shall be kept clean and legible at all times.

## **64 Door Panels**

- (1) A door panel as stipulated by North Lincolnshire Council shall be displayed on both the drivers and front passenger side doors. Such signs shall be secured directly onto the vehicle and shall not be mounted on magnets. No other signs may be displayed on the said doors other than the company name and telephone number. The telephone number shall be a landline number and not a mobile telephone number.

## **65 Internal Plates**

- (1) Internal plates shall be securely fixed in the front windscreen on the passenger side of the vehicle, so that it is not obscured by the sun visor in saloon type vehicles, and on the partition for purpose built vehicles where a partition is fitted. The internal licence plate should be clearly visible to passengers in the vehicle.

## **66 Advertising and Displaying the Company Name**

- (1) Proprietors may advertise either their company name or another business on hackney carriage vehicles subject to approval from the Licensing Authority. Approval should be sought via an application, providing details to be advertised (artwork) and payment of the administration fee. The Council will not normally reject an application unless it is deemed to be indecent, offensive or illegal.
- (2) Proprietors will be able to advertise on both saloon type vehicles and purpose built vehicles. It will be permissible to advertise on all panels of a saloon type vehicle, save the two front doors of the vehicle. Purpose-built vehicles will be permitted to have all over advertising. Proprietors will be able to advertise a maximum of two businesses on their vehicles.

- (3) Advertising inside the vehicle is permitted providing it does not distract or obscure the view of the driver.
- (4) Where an business wishes to display the same advertisement on more than one vehicle, then approval should be sought from the Licensing Authority. This approval will apply to hackney carriage vehicles only.

#### **67 Other Signs and Notices (Education Transport)**

- (1) In consultation with Education Transport, vehicles may be required to display a notice providing details of a school run. Where this is the case, the vehicle will be required to display a notice in the off-side of the rear window so as to be easily visible. Proprietors will be notified in writing where this is a requirement.

#### **68 Closed Circuit Television (CCTV)**

- (1) Hackney Carriage Vehicles may be fitted with Closed Circuit Television (CCTV) systems. Where such a system is fitted, the vehicle must display a sign/signs ensuring passengers are aware that CCTV is installed and in use and the proprietor shall notify the Council that CCTV is in operation.
- (2) The CCTV system shall be installed by a registered installer and shall be maintained to the manufacturer's standards.
- (3) Where CCTV is installed, there is an expectation that it will be in working order when passengers are being carried. Recordings from such a system must be encrypted and not accessible to the proprietor or driver.
- (4) The CCTV recordings must be available for inspection by a Police Officer or an Authorised Officer of the Council for a period of up to 28 days.
- (5) It is the proprietor's responsibility to ensure that images from the system are held in a secure manner.
- (6) Any misuse of CCTV or recorded images may result in immediate suspension and referral to the Licensing (Miscellaneous) Sub-Committee for the appropriate action.

#### **69 Ranks**

- (1) Hackney Carriage Ranks/Stands are provided in accordance with the Local Government (Miscellaneous Provisions) Act 1976. The Council will work with the Taxi trade, Highways and Humberside Police to determine where ranks/stands should be situated.

- (2) Drivers should use the ranks available to them. Where a driver is standing plying for hire and is illegally parked if, in the opinion of an Authorised Officer of the Council or Police Constable, the driver is plying for hire in a dangerous location, the said driver's licence may be reviewed and such conduct may be deemed reasonable cause to revoke or suspend the licence under section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976.
- (3) Hackney Carriage Drivers must not leave their vehicle unattended on a Hackney Carriage Stand/Rank for any reason. The Stands are provided solely for the purpose of plying for hire and are not there as parking spaces for drivers.
- (4) Private Hire vehicles are not permitted to stop on a Hackney Carriage Stand/Rank for any reason.

## **70 Disabled Access and Assistance Dogs**

- (1) In order to afford public transport for all and in accordance with the requirements of the Equality Act 2010 and other relevant legislation, all newly licensed Hackney Carriage Vehicles shall be adapted to carry a passenger in a wheelchair. Proprietors wishing to licence such vehicles will be required to produce a certificate stating that the vehicle complies with all current legislation relating to the carrying of disabled passengers.
- (2) Vehicles already licensed as hackney carriages shall be allowed to continue being used as hackney carriage vehicles for as long as a valid licence is in place. If a hackney carriage vehicle licence is allowed to lapse for a period of 28 days, then it will need to be replaced in accordance with the requirements of **paragraph 70(1)**. If there are exceptional circumstances as to why a licence has not been renewed within this period, then the Licensing Manager or Head of Service may extend the said 28 day period. The vehicle may not be used once the licence has expired.
- (3) Proprietors replacing a saloon type vehicle will be able to replace it with a similar type of vehicle subject to the provisions in **paragraph 70(2)**. Vehicles licensed as wheelchair accessible vehicles can only be replaced like for like.
- (4) Drivers of vehicles adapted to carry disabled passengers should be trained in the use of equipment necessary to convey the passenger safely.
- (5) Assistance dogs shall be conveyed in the vehicle with the passenger in accordance with statutory requirements.

## **71 Exemption from Carrying Assistance Dogs or Wheelchairs**

- (1) Where a driver has been issued with a Tactile Medical Exemption, giving an exemption from either assistance dogs or from loading passengers in wheelchairs the driver must display the exemption in their vehicle just below the internal licence plate. This exemption will apply to the driver and should be removed when the driver is not using the vehicle for hire and reward.

## **72 Tinted Windows**

- (1) No hackney carriage vehicle shall be fitted with dark or tinted windows (other than factory fitted windows when the vehicle was manufactured). The drivers and front passengers windows shall allow at least 70% of light through or 75% in the case of the windscreen. Film used to tint windows shall not be permitted.

## **73 Mobile Telephones**

- (1) It is an offence to use a hand held mobile telephone whilst in charge of a motor vehicle with the engine running. Drivers should avoid parking illegally when they stop to take a call or send a text on their mobile phone and shall ensure that they are parked safely and that the engine is switched off.

## **74 Smoking**

- (1) It is an offence for the driver to smoke or to allow persons to smoke in a licensed hackney carriage vehicle irrespective of the vehicles use. Smoking is not permitted even if the doors or windows are open. Drivers wishing to smoke shall only do so away from the vehicle.

## **75 E-Cigarettes etc**

- (1) Irrespective of any health benefits, if there are any, the use of e-cigarettes in Hackney Carriage Vehicles is considered to be unacceptable. These devices still emit a vapour and as such passengers should not be in a position where they are required to accept the use of such devices. Proprietors must ensure that any person driving their vehicle or being conveyed therein understand that e-cigarettes are prohibited in licensed vehicles.

## **76 Licence Conditions**

- (1) Conditions attached to hackney carriage and private hire vehicle licences will be reviewed every five years to ensure that they are reasonable and fit for purpose. A copy of the conditions attached to hackney carriage vehicle licences is attached as **Appendix K**.





## **Section Five**

### **Private Hire Vehicles**

#### **77 Summary**

- (1) Private hire vehicles are licensed in accordance with the provisions contained in the Local Government (Miscellaneous Provisions) Act 1976.
- (2) Private hire vehicles are not taxis and must not appear to be a hackney carriage or taxi. Vehicles can be only be booked in advance through a licensed operator and cannot be hailed in the street, nor can they ply for hire or sit on an appointed hackney carriage stand.
- (3) Before we issue a licence, we must be satisfied that the vehicle is fit safe and comfortable to be used as a licensed private hire vehicle. This supports our third licensing objective of ensuring the safety of licensed vehicles.

#### **78 Application Process**

- (1) In addition to completing an application form, a person wishing to licence a private hire vehicle will need to submit the following:
  - Certificate of Compliance
  - Valid Certificate of Insurance for private hire
  - A Bill of Sale
  - V5
  - Evidence that the vehicle complies with the Euro Emission standard
  - Tax
  - Other Documents as necessary
  - Meter Check
  - Licence Fee

#### **79 Standard of Vehicles to be Licensed**

- (1) Vehicles licensed to carry persons for hire and reward must be fit, safe, comfortable and suitable for the purpose for which they are licensed. To ensure that vehicles within the controlled district of North Lincolnshire meet these criteria, the Council has specified that vehicles will be tested and inspected in accordance with the following Table.

<b>Age of Vehicle</b>	<b>Test and Inspection Requirements</b>
Under 5 years of age	Annually

Between 5 years and under 8 years of age	Tested twice per annum (6 monthly intervals)
Over 8 years of age	Tested three time per annum (4 monthly intervals)

- (2) The age of the vehicle will be taken from the date on which the licence will come in to force.

## 80 Testing and Inspection of Vehicles

- (1) Vehicles will be tested at the council's test station. On satisfactory completion of the test, a certificate of compliance will be issued. The test includes a number of items in addition to the normal MoT test, which can be found in the Hackney Carriage and Private Hire Vehicle Testing and Inspection Manual. The fee for the test will be paid directly to the garage and will not form part of the licence fee.
- (2) The certificate of compliance once issued is only valid in conjunction with a valid private hire vehicle licence.
- (3) Once the vehicle has passed the test, it will be inspected by a Licensing Officer to ensure compliance with the licence conditions and visual standards. The inspection will be conducted in accordance with the Hackney Carriage and Private Hire Testing and Inspection Manual (Part III).
- (4) There is an expectation that vehicles will be presented as they are intended to be used to carry passengers for hire and reward. Where a vehicle is presented and fails the inspection, a fee may be charged for a re-inspection, save where the defect is minor.
- (5) Vehicles will be tested and inspected in accordance with **paragraph 79 of this policy**.
- (6) Once tested, proprietors must ensure that the vehicle is presented for the inspection within 15 working days from the date of the test and if presented over this period, within 500 miles of the test being carried out.

## 81 Supplementary Inspections

- (1) Further to the number of tests and inspections detailed in **paragraph 79**, the licence holder will be required to submit a supplementary application with valid insurance and proof that the vehicle has passed the mechanical test. A further inspection will not be carried out at this time.



## **82 Period of Licence**

- (1) A private hire vehicle licence will be issued for a period less than 12 months depending on the individual circumstances relating to the vehicle. Such circumstances will be dependent on the age of the vehicle.

## **83 European Emission Standards**

- (1) In addition to the age requirements detailed in **paragraph 79**, it is considered reasonable for licensed private hire vehicles to meet European Emission Standards.
- (2) All new applicants for a Private Hire Vehicle Licence will need to ensure that the vehicle they wish to licence complies with the **Euro 4** standard. From 31 December 2018 all vehicles will be required to meet the **Euro 5** standard at the next test/inspection. This provision does not apply to vehicles specified in **paragraph 86**.
- (3) Proprietors wishing to provide a vehicle adapted to carry a wheelchair as a Private Hire Vehicle may apply to licence a vehicle meeting the Euro II standard.
- (4) Technical details of the Euro Emissions Standards are available at [www.carfueldata.direct.gov.uk](http://www.carfueldata.direct.gov.uk).

## **84 Licensing of Vehicles Over Eight Years of Age**

- (1) The Council would not normally licence vehicles that are over eight years of age as private hire. However, where a vehicle over eight years of age is presented for licensing, it will be considered if it is deemed to be in an exceptional condition.
- (2) In defining the exceptional standard for vehicles over eight years of age, the following criteria will be applied:
  - a) the vehicle shall pass North Lincolnshire Council's test and inspection for the certificate of compliance at the first attempt and not on re-test; and
  - b) the vehicle must be free from body work blemishes; and
  - c) all interior and exterior accessories must be in full working order.

Where a vehicle has failed North Lincolnshire Council's test and inspection for the Certificate of Compliance at the first attempt for a non-mechanical reason, it may still be considered for licensing providing the vehicle meets criteria b) and c).

- (3) As private vehicles are carrying members of the public for hire and reward, we have a duty to ensure that they are fit, safe, comfortable and suitable for use.

## **85 Small Vehicles**

- (1) There shall be no restriction in relation to the size of vehicles that will be licensed as private hire vehicles. Vehicles will be licensed for the number of passenger seats available.

## **86 Novelty Vehicles, Stretched Limousines and Vintage Vehicles**

- (1) Vehicles such as stretched limousines and fire engines will be licensed by the Council, however such types of vehicle would only be licensed as private hire.
- (2) In addition to the vehicles mentioned in **paragraph 86(1)**, vehicles such as vintage vehicles will also be considered for licensing. Such vehicles will not be required to meet the requirements for Euro emissions as detailed in **paragraph 83**.

## **87 Adapted Vehicles**

- (1) Proprietors wishing to licence a vehicle adapted to carry a passenger in a wheelchair will be required to produce a certificate stating that the vehicle complies with all current legislation relating to the carrying of disabled passengers.

## **88 Certificate of Insurance**

- (1) An applicant for a vehicle licence is required to produce a valid certificate of insurance. We will not accept a photocopy of a certificate, however we will accept evidence provided directly from an insurance company or broker. It remains the licence holders or applicants responsibility to provide this information.

## **89 Proof of Tax**

- (1) Before issuing a licence, we will need to see that the applicant has taxed the vehicle. Although we will inspect the vehicle without valid tax, we will not conduct a meter test if one is needed.

## **90 Bill of Sale and Log Book (V5)C**

- (1) There is a difference between the registered keeper of the vehicle and the proprietor of the vehicle. Before issuing a licence to a person, we need to be satisfied that they own the vehicle, therefore we require the applicant to produce a Bill of Sale in addition to the vehicle's log book.

- (2) The log book (V5)C is used to determine the age of the vehicle and provide other relevant information about the vehicle. This document should be produced as part of the application.

## **91 Meters & Table of Fares**

- (1) Where a private hire vehicle is fitted with a meter, then the proprietor must ensure that the vehicle displays a table of fares. The table of fares should be displayed on the dashboard in view of the passengers.

## **92 Vehicle Identification**

- (1) Private hire vehicles will be required to display a rear licence plate, door panel, and internal sign. The rear licence plate shall be displayed in accordance with **paragraph 93** of this policy, the door panel in accordance with **paragraph 94** and the internal signs in accordance with **paragraph 95**.

## **93 External Plates**

- (1) The external licence plate shall be fixed securely, but not tied to the vehicle adjacent to the vehicle's registration plate; to the centre of the rear bumper; or to the offside of the rear bumper. Plates shall be kept clean and legible at all times.

## **94 Door Panels**

- (1) A door panel as stipulated by North Lincolnshire Council, shall be displayed on both the drivers and front passenger side doors. Such signs shall be secured directly onto the vehicle and shall not be mounted on magnets. No other signs may be displayed on the said doors other than the company name and telephone number. The telephone number shall be a land line number and not a mobile telephone number.
- (2) The company name must not use the wording "TAXI" or "FOR HIRE" on the side of the vehicle, even when it forms part of the company name.

## **95 Internal Plates**

- (1) Internal plates shall be securely fixed in the front windscreen on the passenger side of the vehicle, so that it is not obscured by the sun visor in saloon type vehicles and on the partition for purpose built vehicles where a partition is fitted. The internal licence plate should be clearly visible to passengers in the vehicle.

## **96 Exemption from Displaying Licensed Plate**

- (1) A proprietor may apply for an exemption from displaying the private hire licence plate and door panels on the vehicle. Such an application shall be made on the appropriate application form and shall be accompanied by an administration fee. Exemptions will only be granted to vehicles that comply with **paragraph 97** of this policy.

## **97 Executive Vehicles etc**

- (1) Exemptions from displaying identification plates shall only be granted for executive vehicles and novelty vehicles. Proprietors will need to demonstrate that their vehicle meets the following criteria:
  - The vehicle is not fitted with a “Taximeter”
  - There is no advertising on the vehicle
  - The vehicle is driven by a uniformed driver
  - There is no exemption from carrying assistance dogs
- (2) Such vehicles will be required to display the internal identification disc in the front window and shall keep the licence plates and letter of exemption in the vehicle.
- (3) We reserve the right to withdraw an exemption from displaying a licence plate at all times should it be found that a driver is abusing the exemption.
- (4) We reserve the right to allow exemptions on other vehicles in exceptional circumstances.

## **98 Advertising and Displaying the Company Name**

- (1) Proprietors may advertise their business on a private hire vehicle subject to approval from the Licensing Authority. Approval should be sought via an application form, providing the details to be advertised (artwork) and payment of the administration fee. Such adverts shall not contain the word “TAXI” or “FOR HIRE” or “CAB” as private hire vehicles are not Taxis or Cabs.
- (2) Where an operator wishes to display the same advertisement on more than one vehicle, then approval should be sought from the Licensing Authority. This approval will apply to private hire vehicles only.

## **99 Displaying Notices**

- (1) All Private Hire Vehicles shall display a notice on the rear near side passenger window as required by the Licensing Authority. Licence holders shall be notified in writing when such a notice should be displayed.

## **100 Other Signs and Notices (Education Transport)**

- (1) In consultation with Education Transport, Vehicles may be required to display a notice providing details of a school run. Where this is the case, the vehicle will be required to display a notice in the off-side of the rear window so as to be easily visible. Proprietors will be notified in writing where this is a requirement.

## **101 Closed Circuit Television (CCTV)**

- (1) Private hire vehicles may be fitted with Closed Circuit Television (CCTV) systems. Where such a system is fitted, the vehicle must display a sign/signs ensuring passengers are aware that CCTV is installed and in use and the proprietor shall notify the Council that CCTV is in operation.
- (2) The CCTV system shall be installed by a registered installer and shall be maintained to the manufacturer's standards.
- (3) Where CCTV is installed, there is an expectation that it will be in working order when passengers are being carried. Recordings from such a system must be encrypted and not accessible to the proprietor or driver.
- (4) The CCTV recordings must be available for inspection by a Police Officer or an Authorised Officer of the Council for a period of up to 28 days.
- (5) It is the proprietor's responsibility to ensure that images from the system are held in a secure manner.
- (6) Any misuse of CCTV or recorded images may result in immediate suspension and referral to the Licensing Committee for the appropriate action.
- (7) The proprietor must ensure that the CCTV is registered with the Information Commissioner.

## **102 Disabled Access and Assistance Dogs**

- (1) Where a vehicle is adapted to carry a passenger in a wheelchair or other disabled user, then the driver of the said vehicle should have appropriate training to ensure that the passengers are conveyed safely.
- (2) Assistance dogs shall be conveyed in the vehicle with the passenger in accordance with statutory requirements.

### **103 Exemption from Carrying Assistance Dogs**

- (1) Where a driver has been issued with a Tactile Medical Exemption, giving an exemption from carrying assistance dogs, the driver must display the exemption in their vehicle just below the internal licence plate. This exemption will apply to the driver and should be removed when the driver is not using the vehicle for hire and reward.

### **104 Mobile Telephones**

- (1) It is an offence to use a hand held mobile telephone whilst in charge of a motor vehicle with the engine running. Drivers wishing to take a call or send a text on their mobile phone shall ensure that they are parked safely and that the engine is switched off.

### **105 Smoking**

- (1) It is an offence for the driver to smoke or to allow persons to smoke in a licensed Private Hire Vehicle irrespective of the vehicle's use. Smoking is not permitted even if the doors or windows are open. Drivers wishing to smoke shall only do so away from the vehicle.

### **106 E-Cigarettes etc**

- (1) Irrespective of any health benefits, if there are any, the use of e-cigarettes in private hire vehicles is considered to be unacceptable. These devices still emit a vapour and as such passengers should not be in a position where they are required to accept the use of such devices. Proprietors must ensure that any person driving their vehicle or being conveyed therein understand that e-cigarettes are prohibited in licensed vehicles.

### **107 Licence Conditions**

- (1) Conditions attached to private hire vehicle licences will be reviewed every five years to ensure that they are reasonable and fit for purpose. A copy of the conditions attached to a private hire vehicle licence is attached to this policy as **Appendix L**.



## **Section Six**

### **Private Hire Operators**

#### **108 Summary**

- (1) Private hire operators are licensed in accordance with the provisions contained in the Local Government (Miscellaneous Provisions) Act 1976.
- (2) A private hire operators licence is not needed to operate hackney carriage vehicles (taxis). Private hire vehicles can only be booked in advance through a licensed operator. An operator can only use vehicles licensed with the same licensing authority.
- (3) Before we issue a licence, we must be satisfied that the operator is a fit and proper person. This supports our first two licensing objectives.

#### **109 Fit and Proper Person**

- (1) Before we can issue a licence we must be satisfied that the person holding the licence is a fit and proper person. Licensed operators have a responsibility to ensure that the drivers and vehicles who take bookings on their behalf convey the public, including vulnerable adults and/or children in safety. The Council will not licence anyone to operate a private hire vehicle unless it is satisfied that they are a “fit and proper” person. In considering the fit and proper test, applicants will be required to satisfy the application process outlined in **paragraph 109**.
- (2) When licensing drivers of licensed vehicles, we will consider matters that support all three licensing objectives:
  - Ensure that operators, drivers and proprietors act with honesty and integrity;
  - The protection of vulnerable people and children being transported in hackney carriage and private hire vehicles;
  - Ensuring the safety of licensed vehicles
- (3) With an application, the onus is on the applicant to prove that they are a fit and proper person and we cannot issue a licence unless we are satisfied.

#### **110 Application Process**

- (1) In addition to completing an application form, a person wishing to operate a private hire vehicle will need to submit the following:
  - Application form
  - Basic Disclosure Check



- One passport size colour photograph required on renewal at the same time as the DBS check (Endorsed).
  - Certificate of Good Conduct
  - Right to Work
  - Safeguarding and Child Sexual Exploitation (CSE) Awareness Training
  - English Language
  - Licence Fee
  - Certificate of Public Liability Insurance
- (2) An application for a private hire operators licence can be made online. Where such an application is made, the applicant will still need to meet the criteria detailed in **paragraph 110(1)**.

## **111 Disclosure and Barring (DBS) Check**

- (1) All persons applying for a private hire operators licence will be required to submit a Basic Disclosure on initial application and on renewal every five years thereafter. Further checks may be carried out if we have reason to think that a person has been convicted of an offence since they were last licensed. These checks will be carried out at the expense of the licence holder.
- (2) On return of the DBS check where convictions have been disclosed, an assessment panel may be held. This panel will consider the conviction(s) and should it be deemed relevant, then the application will be referred to the Licensing (Miscellaneous) Sub-Committee for consideration.
- (3) Where an applicant is barred from working with either vulnerable adults or children, then they will be referred to the Licensing (Miscellaneous) Sub-Committee. The Committee will determine if the person is “fit and proper” in the case of new applicants’ or will consider matters under “any other reasonable cause” for renewals. Such determinations shall be made in accordance with the Guidance for Members at **Appendix E** of this policy.

## **112 Identity**

- (1) An applicant for a private hire operators licence must provide one passport photograph. The photograph shall be endorsed by a person of professional standing to the effect that the photograph is a true likeness to the applicant. This should be dated and signed. The person of professional standing must have known the applicant for at least three years.
- (2) The person of professional standing shall not include a relative of the applicant or another hackney carriage or private hire driver, proprietor or operator.

- (3) Photographs other than standard passport photographs will not be accepted.
- (4) The applicant should not wear headwear (other than for religious purposes), dark glasses or other items, which cover the head or face and should be taken with a cream or light grey background.

### **113 Certificate of Good Conduct**

- (1) Persons who have been resident outside the United Kingdom will be required to produce a certificate of good conduct or equivalent document issued by the relevant Embassy or High Commission. The Council may contact the relevant Embassy or appropriate body to verify any documents provided.
- (2) There are certain times that a person may have lived outside the United Kingdom where we would not ask for a Certificate of Good Conduct. These times are as follows:
  - Lived outside the United Kingdom as a member of Her Majesty's Armed Forces, subject to British Law; or
  - Moved to the United Kingdom before the age of 10 years old; or
  - Entered the United Kingdom as an asylum seeker and cannot return to their country of origin for fear of reprisal
- (3) Where a person has been resident outside the United Kingdom as per **paragraph 113(2)**, then we would expect them to produce evidence. Where they cannot provide evidence then we would normally still require a certificate of good conduct. Acceptable evidence would include the following:
  - Discharge Certificate from HM Armed Forces
  - Immigration Documentation
  - Asylum Documentation
- (4) Where a person has lived in the European Union (EU) we would expect them to produce a European Criminal Records Information Systems Check (ECRIS) or similar, unless they have lived there as per **paragraph 113(2)**, which has been evidenced as per **paragraph 113(3)**.
- (5) It is the applicant's responsibility to provide this information. The application will not proceed until such time that it has been provided.

### **114 Right to Work**

- (1) Before we will issue a licence we must be satisfied that a person has the right to live and work in the United Kingdom. We will not issue a licence to expire beyond the time that a person is entitled to work in the country.

## **115 Safeguarding and CSE Awareness**

- (1) Before issuing a licence, applicants will be required to attend and pass the Safeguarding and CSE Awareness Training. The core of the training will focus on these areas, however we reserve the right to add other subject matter that is deemed appropriate to support our licensing objectives.

## **116 Employing Hackney Carriage Vehicles and Drivers**

- (1) Although the law allows a private hire operator to employ hackney carriage vehicles and drivers licensed in other areas on a private hire basis, we will expect any such drivers to adhere to the same standard as North Lincolnshire. As such, we would expect such drivers to have attended and passed CSE Awareness and Safeguarding Training and to have had DBS checks to the same standard.
- (2) We would expect operators to ensure that such vehicles are not subject to an intended use policy by the issuing authority. Where they are, we would recommend that they do not employ the person/vehicle.

## **117 Criminal History**

- (1) Unlike Hackney Carriage and Private Hire Vehicle Drivers, who are an exempt occupation under the provisions of the Rehabilitation of Offenders Act 1974, Private Hire Operators are not and as such any convictions become spent over a period of time. When considering convictions and endorsements, the Council will only take into consideration such convictions that are unspent and that are deemed to be relevant.
- (2) A criminal record does not automatically bar an applicant from holding a hackney carriage or private hire vehicle drivers licence. The Council has adopted guidance for members relating to a person's criminal history. This guidance is detailed in **paragraph 9(4)** and can be found at **Appendix E**. Each case shall be determined on its own merits.

## **118 English Speaking**

- (1) Applicants for private hire operators licences must be able to converse in English. Operators will be in contact with customers and may potentially be in contact with vulnerable adults and children and it is important that language should not be a barrier to communication.
- (2) In addition, it is expected that private hire vehicle operators are able to read and write in English. All applicants for a licence are expected to have as a minimum, B1 level of English. Applicants for a new licence and to renew will only be required to prove this level of English on one occasion.

## **119 Public Liability Insurance**

- (1) There is an expectation that every private hire operator will have public liability insurance, covering claims up to £5,000,000. Applicants must produce their certificate of insurance on application and display the certificate or certified copy of the certificate in their premises so as to be easily visible to members of the public once a licence has been granted.

## **120 Qualifications**

- (1) The Council recognises and supports training and qualifications for the licensed trade. It is considered important for licensed drivers and operators to hold the BTEC in Transporting Passengers by Taxi or Private Hire Vehicle and the NVQ in Road Passenger Vehicle Driving, however the Council will not insist that drivers hold qualifications in order to obtain a licence.

## **121 Training for Drivers and Other Staff**

- (1) In addition to the training that we provide hackney carriage and private hire licensed drivers, we would expect private hire operators to carry out their own training and maintain records. The sort of training we would expect operators to carry out include:
  - Customer Service and Professionalism
  - Manual Handling
  - Health and Safety
  - Disability Awareness and Wheelchair Loading
  - Code of Conduct
- (2) The operator must keep records of the training carried out, which must be made available upon request by an Authorised Officer of the Council.

## **122 Determination of an Application**

- (1) Officers have delegated authority to issue a licence where they are satisfied that the person is fit and proper. If the Officer has any doubt about the person, then the applicant will be referred to the Licensing (Miscellaneous) Sub-Committee for their consideration.
- (2) The Officers and the Members of the Licensing (Miscellaneous) Sub-Committee will follow the provisions contained within this policy. There may be times when it is prudent to deviate from this policy. Where this occurs, the full reasons for deviating from the policy will be provided in writing.

## **123 Period of Licence**

- (1) Private hire operators licences are issued for a period of either one or five years.
- (2) Subject to an appearance before the Licensing (Miscellaneous) Sub-Committee, a licence may be issued for a period other than the one or five years where the Committee consider it reasonable.

## **124 Review of a Licence**

- (1) When reviewing a licence, we are not looking at whether a person is “fit and proper”. When a private hire operator is reviewed it is carried out under section 62 of the Local Government (Miscellaneous) Provisions Act 1976.
- (2) Under section 62(1)(a) we can review a licence for one of the following reasons:
  - has been convicted of an offence under either the Local Government (Miscellaneous) Provisions Act 1976 or the Town Police Clauses Act 1847; or
  - any conduct on the part of the operator which appears to render him unfit to hold a licence; or
  - any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted; or
  - for any other reasonable cause
- (3) Please refer to the Act of 1976 for the actual wording.
- (4) the wording “any other reasonable cause” is very broad. We will review a licence where we have had a complaint that has been substantiated, where the person has amassed 12 points on their licence under the Penalty Points Scheme, or where they have relevant convictions or endorsements.
- (8) Members will follow the guidance as detailed in this policy when making decisions. Where they deviate from the guidance they will provide written reasons for doing so.

## **125 Determination of a Review**

- (1) Where Officers have doubt as to whether a person is fit and proper, the said person may be referred to the Licensing (Miscellaneous) Sub-Committee under section 62 of the Local Government (Miscellaneous) Provisions Act 1976. A review under this section can be because a person has been convicted of a certain type of offence or for any other reasonable cause.



- (2) Where a person has accumulated more than 12 penalty points under the penalty points scheme they will be referred to the Licensing (Miscellaneous) Sub-Committee for consideration.
- (3) The Officers and the Members of the Licensing (Miscellaneous) Sub-Committee will follow the provisions contained within this policy. There may be times when it is prudent to deviate from this policy. Where this occurs, the full reasons for deviating from the policy will be provided in writing.

## **126 Complaints and Non-conviction Information**

- (1) Where information is received that a licensed driver has been convicted of a relevant offence or where information is received either by way of complaint or non-conviction information is disclosed by another party, then the information will be considered to determine if it is relevant.
- (2) If the information has been determined as relevant then the appropriate action will be taken. Such action could result in a referral to the Licensing (Miscellaneous) Sub-Committee for a review of the licence.
- (3) When considering complaints and non-conviction information under any other reasonable cause, each case shall be considered in accordance with **Schedule 1 of Appendix G** as if the date of complaint were the date of conviction. Each case shall be determined on its own merits.

## **127 Record Keeping**

- (1) Operators shall keep records in accordance with the conditions attached to their licence. Such records should be available upon request from a Police Constable or Authorised Officer.

## **128 Sub-Contracting, Consent of the Higher**

- (1) The Local Government (Miscellaneous Provisions) Act 1976 allows Operators to sub-contract journeys to another operator who holds a private hire operators licence.
- (2) Where there is a possibility of a journey being sub-contracted we would expect the operator to inform the customer of the possibility, giving such information to the hirer so that they know who will carry out the journey.
- (3) Where there is a written contract with a customer that prohibits sub-contracting or specifically requires the hirers consent, then we would reasonably expect that such provisions will be adhered to.

## **129 Parking of Vehicles**

- (1) Operators shall ensure that vehicles that are booked through their office/radio circuit are parked in a legal manner and do not cause an obstruction to other road users.

## **130 Planning Consent**

- (1) Operators shall ensure that they have the appropriate planning consent to operate their business.

## **131 Telephones**

- (1) Operators should have a landline telephone on which bookings are taken.
- (2) It is an offence to use a mobile telephone whilst driving. Operators shall ensure that drivers wishing to take a call on their mobile phone are parked safely and that the vehicles engine is switched off.

## **132 Advertising**

- (1) Where an operator wishes to display the same advertisement on more than one vehicle, then approval should be sought from the Licensing Authority.

## **133 None Statutory Public Register**

- (1) The details of all private hire operators will be entered onto a public register. The information contained will include; the operators name; business name; business address; licence number; issue date; expiry date and status of the licence.



## **Section Seven**

### **Enforcement**

#### **134 Summary**

- (1) The Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847 contain a number of offences. Many of these offences relate to the protection of the public.
- (2) The Council's Licensing Officers will work closely with Humberside Police and the Council's Vehicle Maintenance Department in addressing such issues.
- (3) The Licensing Authority will also look to work closely with other enforcement authorities when dealing with licensed and/or unlicensed vehicles and drivers, especially concerning cross boundary related issues.
- (4) The Local Government (Miscellaneous Provisions) Act 1976 also gives the authority powers to serve notice on proprietors of hackney Carriage and private hire vehicles to produce their vehicle for inspection to ascertain its fitness. Where a vehicle is deemed unfit for its intended purpose the proprietor will be issued with a suspension notice in accordance with Section 68. If the vehicle is not brought up to a suitable standard within two months from the date of the notice, the licence will automatically be deemed to be revoked.
- (5) It is an offence to drive a licensed vehicle unless the driver is licensed to do so. Once a vehicle is licensed it remains so licensed until expiry, suspension or revocation of the licence.
- (6) An offence is also committed if there is a breach of the Byelaws or Conditions attached to a licence.
- (7) Such offences may result either in prosecution or the licence being reviewed by the Licensing (Miscellaneous) Sub-Committee, who may attach additional conditions to the licence.
- (8) In dealing with enforcement issues the Council will act in a fair consistent manner and will treat all cases and people with consideration and empathy in accordance with our enforcement policies.

#### **135 Complaints**

- (1) We risk assess complaints once they are received. In conducting this risk assessment complaints will be determined as either high, medium or low risk. Having risk assessed the complaints we will investigate all complaints that are deemed to be high risk or where there is a risk to

public safety or animal welfare. We will reserve the right to focus our resources in such areas to the detriment of lower risk complaints.

- (2) Complainants will be encouraged to raise the complaint with the licence holder or business concerned in the first instance. Failing this, or where the complaint is serious in nature, then following an investigation the Licensing Authority will take any appropriate action. Such action may include prosecution, review of the licence or both. In any case, the Licensing Authority does not need a conviction in order to take the appropriate action.
- (3) When dealing with complaints or non-conviction information, for the purpose of dealing with the fitness of an applicant or for any other reasonable cause, such information may be considered in line with the Guidance issued to Members of the Licensing Committee and non-conviction information may be considered in the same way as convictions.

### **136 Enforcement Options**

- (1) Where a hackney carriage or private hire driver, operator or proprietor has committed an offence or breached the licence conditions, there are a number of enforcement options available.
- (2) The enforcement options available are both civil and criminal in nature and are detailed in our Business Compliance and Support Policy and the Council's Enforcement Policy.

## **Section Eight**

### **Penalty Points Scheme**

#### **137 Summary**

- (1) The penalty points scheme covers all holders of Hackney Carriage and private hire vehicle drivers and proprietors and private hire operators.
- (2) The scheme has been developed to provide the Licensing (Miscellaneous) Sub-Committee and Licensing Officers with more options when dealing with breaches to licence conditions or when an offence has been committed. Under the legislation, the only options available to the Committee are to issue a warning, suspend or revoke a licence, while officers can either prosecute or refer the licence holder to the Committee.
- (3) The points scheme will allow Licensing Officers and Members of the Committee attach points, thus bridging the gap between doing nothing and suspension or revocation.

#### **138 Principals of the Scheme**

- (1) Officers will be able to attach points for minor breaches of conditions or offences which on their own would not merit a review of the licence or a prosecution. The attachment of the points is in effect no more than a warning. Licence holders who attain more than 12 points in the relevant period would be referred to the Licensing (Miscellaneous) Sub-Committee, who would determine the licence under “Any other reasonable cause”, in accordance with sections 60, 61 or 62 of the Local Government (Miscellaneous Provisions) Act 1976.
- (2) The Penalty Points Scheme in effect, provides a warning to drivers about their behaviour and no more than that. The difference between a warning issued with no points and a warning issued under the scheme is that the points serve as a trigger where the driver attains more than 12 points and there is a limit as to how long the points stay on the persons file. A warning without points will stay on a file indefinitely.
- (3) A copy of the penalty points scheme is attached as **Appendix G** to this policy and a list of the points is attached as **Schedule 1 to Appendix G**.
- (4) There are some cases where the attachment of points to a licence would not be deemed appropriate. In such cases, the option will not be available within the points scheme.
- (5) Nothing within this section of the policy shall prejudice the Councils or Officers ability to refer an applicant or licence holder to the Licensing

Committee where there is a doubt as to whether they are a “fit and proper” person or for any other reasonable cause.

- (9) The Council will not fetter its discretion when dealing with such matters. Points will only be attached to a licence following an investigation by an Officer or a Hearing by the Licensing (Miscellaneous) Sub-Committee. Each case will be determined on its own merits and both the Members of the Committee and Officers will have discretion to take into account all the circumstances in each case. The points are for administration purposes only and will be taken into account when determining if a person is fit and proper or for any other reasonable cause.
- (10) Where a licensed driver has been referred to the Licensing (Miscellaneous) Sub-Committee following a complaint or when information has been received which raises the question if the person is “fit and proper” or for any other reasonable cause; then the members of the committee may award points or suspend or revoke the licence where such points are available.

## **138 Appeals**

- (1) An appeal against a warning issued under the Penalty Points Scheme will only be accepted for one of the following reasons:
  - The person did not commit the offence or breach
  - They could not reasonably be expected to know that it was an offence or breach
  - It is a case of mistaken identity
- (2) An appeal on the basis that a person did not commit an offence or a breach of conditions should be rare. Before issuing points an investigation will be carried out in order to avoid such cases.
- (3) When conducting an investigation we will consider whether the person should have known that the infringement or offence was such. Where we are satisfied that they may not have known then a warning will be issued without points.
- (4) Where there is a case of mistaken identity, then in certain cases we would normally expect either the proprietor or operator to provide the correct details. In such cases, Officer will quash the penalty point without the need for an appeal. Where no such information is available, then the case will be decided by a Member of the Licensing Committee.
- (5) As the attachment of points is a warning, the Member considering the appeal shall only consider the case as per **paragraph 138(1)** as any such appeal if agreed will state that the person does not merit a warning.

- (6) The Member of the Committee hearing the appeal shall follow the Guidance to Members as per Appendix D of this policy. Should they wish to deviate from this guidance then they must provide full reasons why.
- (7) Where a driver, proprietor, operator or an applicant to renew a licence is awarded penalty points and they have submitted an appeal, but they are due to appear before the Licensing (Miscellaneous) Sub-Committee, then no separate appeal hearing will be arranged.



**Appendix A**

The attached table includes a list of useful contacts regarding licensing. The contacts are generally available during office hours, Monday to Thursday 09.00 a.m. to 17.00 p.m. and Friday 09.00 a.m. to 16.30 p.m.

<b>Department/Contact</b>	<b>For</b>	<b>Contact Details</b>
Licensing Team	Application Process; Vehicle Inspection;	Licensing Team Church Square House PO Box 42 SCUNTHORPE North Lincolnshire DN15 6XQ  Telephone: 01724 297750 e-mail: <a href="mailto:Licensing@northlincs.gov.uk">Licensing@northlincs.gov.uk</a>
	Policy; Vehicle Testing Criteria	<a href="http://www.northlincs.gov.uk">www.northlincs.gov.uk</a>
Fleet Management	Vehicle Mechanical Test;	01724 297867
	Taxi Driver Standards Test	Fleet Workshop & Offices Plot 22 Grange Lane North Scunthorpe North Lincolnshire DN16 1BT  <b>Tel:</b> 07812 739665





**Appendix B**



**GUIDANCE TO MEMBERS**

**Applications for Hackney Carriage & Private Hire  
Vehicle Drivers' Licences**

## 1.0 Introduction

- 1.1 This guidance was originally based on the Department of Transport Circular 2/92 and the Home Office Circular 13/92. In developing the guidance consideration has been given to the amendment to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 in March 2002 to include drivers of Hackney Carriages and Private Hire Vehicles and the Bichard Enquiry regarding the disclosure of non-conviction information on Criminal Record Disclosures. The guidance was reviewed in 2014 to include a points scheme, which is used to determine if a person is “fit and proper” or “for any other reasonable cause” and to provide further clarification as to how motoring convictions and fixed penalties are dealt with.
- 1.2 The purpose of the guidance is to assist Members and Officers to determine the fitness of an applicant to hold a Hackney Carriage/Private Hire Vehicle Drivers Licence in accordance with The Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

## 2.0 Background

- 2.1 North Lincolnshire Council is a registered body with the Disclosure and Barring Service, formally the Criminal Records Bureau.
- 2.2 It uses the **Disclosure and Barring Service, formally the Criminal Records Bureau** (DBS) to assess an individual’s suitability to drive a Hackney Carriage / Private Hire Vehicle.
- 2.3 The main objective is to obtain information to assist in establishing whether a person is a ‘fit and proper person’ under the Local Government (Miscellaneous Provisions) Act 1976.
- 2.4 It also enables the local authority to attach any conditions to the granting of the licence, which it feels are necessary to protect members of the public.

## 3.0 Scope of Legislation

- 3.1 The Rehabilitation of Offenders Act was introduced in 1974 to help restore the reputation of persons who have been convicted of an offence but have since stayed on the right side of the law. In normal circumstances, if someone is sentenced to 30 months or less in prison, the conviction will become 'spent' after 7 years, beginning with the date of sentence, and would no longer need to be disclosed when applying for employment. However, applicants for certain occupations, including Hackney Carriage and Private Hire Drivers, will always be required to disclose all their previous convictions, regardless of whether or not they would normally be regarded as 'spent', and all relevant convictions can therefore be considered.
- 3.2 The Bichard Enquiry came following the Home Secretary’s announcement that an independent inquiry would be held. This would consider the way in

which the police handled intelligence and the vetting processes prior to Huntley being employed in a school.

- 3.3 Sir Michael Bichard, Rector of the London Institute and a former Permanent Secretary at the Department for Education and Employment, was appointed as Chairman of the inquiry.
- 3.4 Sir Michael Bichard looked into the events surrounding the Soham Murders of 2002 and in particular what was previously known about Huntley. The concern existed that professionals in Humberside were aware that Huntley had a history of sexual relationships with girls under the age of sixteen. However, this information did not appear to have been readily available and as a consequence when the school where Huntley was subsequently employed carried out its statutory checks on him nothing untoward came to light. Bichard made a number of recommendations, some of which affects the information, which is now disclosed on the DBS Disclosure that may not have appeared before.
- 3.5 On initial application for a licence, and upon application to renew a licence every 3 years, a request is made to the DBS for a disclosure of any criminal record held in the name of the applicant prior to the grant of a licence
- 3.6 An Enhanced Disclosure is requested, which contains the same details as a Standard Disclosure but may also contain non-conviction information from local police records, which a chief police officer thinks may be relevant in connection with the matter in question.
- 3.7 It is also a requirement that the applicant must submit their DVLA driving licence for both new and renewal applications failure to do so will result in the application being incomplete.
- 3.8 A further DBS check can be requested by the Licensing Division at any time during a licence where there is reason to believe that the licence holder has been convicted of a further offence. Information may be received from many different sources such as, the public, trade, police or even in the local press regarding current Hackney Carriage/Private Hire Vehicle Driver's who have been convicted of an offence.

#### **4.0 Magistrates Guidelines and the Committee**

- 4.1 When Magistrates convict a person, they act within their guidelines. According to the seriousness of the offence or exceptional hardship, a person might receive a more lenient sentence or be able to retain their drivers licence. Members cannot take these guidelines into consideration when they make their decision, nor should they consider exceptional hardship when deciding if a person is fit and proper to hold a licence. Members should restrict their deliberations to this guidance and determine each application on its merits.

## **5.0 Determination of Relevant Information/Convictions, by Board of Officers**

- 5.1 As previously stated, applicants for Hackney Carriage & Private Hire Vehicle Drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974, and therefore all relevant convictions can be considered.
- 5.2 The legislation also allows the Licensing Authority to consider comments received by the police relating to Hackney Carriage/Private Hire Vehicle Drivers, in situations where a conviction may or may not have been obtained. As all applicants or licensed Hackney Carriage/Private Hire Vehicle Driver's have the right to a fair and proper hearing, the members, in these circumstances, will have the opportunity to put questions to the applicant and the police and clarify any issues raised in the DBS disclosure made by the police, at the Sub-Committee.
- 5.3 Where a DBS Disclosure, for the application or review of a driver's licence shows a Trace or is accompanied by any relevant police comments, an Assessment Board of Officers of the Licensing Team considers the nature of any offences or information provided by the Chief Police Officer. The date of the event, the age of the applicant and any other relevant factors will be considered to determine if it is relevant. In the event that the Assessment Board has any doubt as to whether the applicant is a "fit and proper" person, they will be referred to the Licensing (Miscellaneous) Sub-Committee to determine the application.
- 5.4 On receipt of the application, disclosure and DVLA driving licence, the Licensing Officer will check the details. If convictions are disclosed and/or offences displayed on the driving licence, an Assessment Board, comprising of three members of the Licensing Team, will be convened.
- 5.5 The Assessment Board will consider: -
- Whether the conviction or other matters revealed are relevant to the application in question,
  - The seriousness of any offence or other matter revealed,
  - The length of time since the offence or other matter occurred,
  - Whether the disclosure reveals a pattern of behaviour,
  - Whether the applicant's circumstances have changed since the offending behaviour or the other relevant matters, and
  - The circumstances surrounding the offence and the explanation(s) offered by the applicant.

## **6.0 Role of the Licensing (Miscellaneous) Sub-Committee**

- 6.1 The members on the Sub-committee are an impartial body who are appointed to hear and determine applications for Hackney Carriage and Private Hire Vehicle Drivers Licences. When doing so they shall consider all information and determine each application on its merits, having take into account this guidance.

6.2 In the case of applications, the onus is on the applicant to prove that they are a “fit and proper” person. Should they not be able to satisfy the Committee of this, then the application should be refused.

## 7.0 Determination of Application where Convictions/Endorsements are disclosed

7.1 If the matters revealed are deemed relevant, the Assessment Board will refer the matter to the Licensing (Miscellaneous) Sub Committee for determination. Certain types of offences will always be referred.

7.2 The following examples afford a general guide on the action to be taken where convictions are admitted.

### a) Minor traffic offences

Convictions or fixed penalties for minor traffic offences should not prevent a person from proceeding with an application. The following offences, in Table 1 are deemed to be minor motoring convictions for the purpose of this guidance:

Table 1	
Code	Offence Detail
AC10	Failing to stop after an accident.
AC20	Failing to give particulars or report an accident within 24 hours.
AC30	Undefined accident offence.
CU10	Using a 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.
CU60	Undefined failure to comply with Construction and Use Regulations.
CU80	Breach or requirements as to control of the vehicle, mobile telephone etc.
LC10	Driving without a licence.
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.
MS10	Leaving a vehicle in a dangerous position.
MS20	Unlawful pillion riding.
MS30	Playstreet Offences
MS60	Offences not covered by other codes (including offences relating to breach of requirements as to control of vehicle).
MS70	Driving with uncorrected defective eyesight.
MS80	Refusing to submit to an eye test.
MS90	Failure to give information as to identity of driver etc.
MW10	Contravention of special roads 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.



SP10	Exceeding goods vehicle speed limit.
SP20	Exceeding speed limit for type of vehicle (Excluding goods or passenger vehicles)
SP30	Exceeding statutory speed limit on a public road.
SP40	Exceeding passenger vehicle speed limit.
SP50	Exceeding speed limit on a motorway.
TS10	Failing to comply with traffic light signals.
TS20	Failing to comply with double white lines.
TS30	Failing to comply with 'STOP' sign.
TS40	Failing to comply with direction of a constable/warden.
TS50	Failing to comply with traffic sign (excluding 'STOP' signs, traffic lights or double white lines).
TS60	Failing to comply with school crossing patrol.
TS70	Undefined failure to comply with traffic direction sign.

Where an endorsement is made for aiding, abetting, counselling or procuring offences (0 is replaced with 2, code LC20 becomes LC22); or causing or permitting offences (0 is replaced with 4, code LC20 becomes LC24); or inciting (0 is replaced with 6, code LC20 becomes LC26), these will also be deemed to be minor traffic offences.

Where an applicant has accrued 12 or more points on their licence, that would be sufficient to require a period of disqualification of the applicant's driving licence, then members will normally consider if it is appropriate to refuse the application, especially if there is a pattern of offending, for example of excessive speed. In such cases, it would be for the applicant to state their mitigation to the Licensing (Miscellaneous) Sub-Committee as to why they are a fit and proper person or why they should be granted a licence.

#### *b) Major traffic offences*

An isolated conviction one of the offences listed in Table 2, for example for reckless driving or driving without due care and attention etc, should not normally merit either the refusal of an application for a Hackney Carriage and/or Private Hire Vehicle Drivers Licence. Clarification should be sought as to the reason for the conviction and circumstances at the time of the offence should be taken into account.

Table 2	
Code	Offence Detail
BA10	Driving while disqualified by order of court.
BA30	Attempting to drive while disqualified by order of court.
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.
DR70	Failing to provide specimen for breath test.
IN10	Using a vehicle uninsured against third party risks.
MS50	Motor racing on the highway.
TT99	Disqualification under totting-up.



More than one conviction or endorsement for this type of offence within the last three years would normally merit refusal of an application for a Hackney Carriage or Private Hire Vehicle Drivers licence and no further application should be considered until a period of 3-5 years free from convictions has elapsed.

Convictions or endorsements for the offences listed in Table 3 would normally merit the refusal of a Hackney Carriage or Private Hire Vehicle Drivers where the date of conviction/endorsement was within the last five years or longer if specified elsewhere in this policy.

Table 3	
Code	Offence Detail
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 alcohol analysis.
CD80	Causing death by careless, or inconsiderate, driving.
CD90	Causing death by driving: unlicensed, disqualified or uninsured drivers.
DD10	Causing serious injury by dangerous driving.
DD40	Dangerous driving.
DD60	Manslaughter or culpable homicide while driving a vehicle.
DD80	Causing death by dangerous driving.
DD90	Furious driving.
DR10	Driving or attempting to drive with alcohol level above limit.
DR20	Driving or attempting to drive while unfit through drink.
DR30	Driving or attempting to drive then failing to supply a specimen for analysis.
DR31	Driving or attempting to drive then refusing to give permission for analysis of 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.
DR61	Refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity in circumstances other than driving or attempting to drive.
DR80	Driving or attempting to drive when unfit through drugs.
DR90	In charge of a vehicle when unfit through drugs.
MR09	Reckless or dangerous driving (whether or not resulting in death, injury or serious risk).
MR19	Wilful failure to carry out the obligation placed on driver after being involved in a road accident (hit or run)
MR29	Driving a vehicle while under the influence of alcohol or other substance affecting or diminishing the mental and physical abilities of a driver.
MR39	Driving a vehicle faster than the permitted speed
MR49	Driving a vehicle whilst disqualified.
MR59	Other conduct constituting an offence for which a driving disqualification has been imposed by the State of Offence.
UT50	Aggravated taking of a vehicle.

Where an applicant has such a conviction/endorsement, then no further application would be considered until a period of five years free of conviction has elapsed.

### c) Drunkenness

1. *With motor vehicle.* A serious view will be taken of convictions of driving or being in charge of a vehicle while under the influence of alcohol. An isolated incident should not necessarily debar an applicant but there is an expectation that applicants have had a period free of conviction of five years.

More than one conviction for these offences gives the Council serious doubts as to the applicant's fitness to hold a licence. At least five years should elapse (after the restoration of the driving licence) before an applicant may be considered for a licence. If there is any suggestion that the applicant is alcohol dependant, a special medical examination shall be arranged before the applicant is entertained. If the applicant is found to be alcohol dependant a period of five years should elapse after treatment is complete before a further licence application is considered.

2. *Not in motor vehicle.* An isolated conviction for drunkenness need not debar an applicant from gaining a licence. However, a number of convictions or a pattern for drunkenness could indicate a medical problem necessitating critical examination (see (1) above). In some cases, a warning may be sufficient, however.

Table 4 shows the period that we would reasonably consider applicants to be free of conviction. The "X" in a red box, means we would normally refuse an application; the "?" in an orange box indicates a period where an application would normally be refused where there is a pattern of offending or where a person is alcohol dependant; and the "✓" in a green box indicates where we would normally grant a licence.

Table 4										
Convictions – Driving Offences										
Type of Offence	Date Since Conviction Received (Years or Part Thereof free of Conviction)									
	1	2	3	4	5	6	7	8	9	10
Minor Motoring Offences (Table 1)	?	?	?	✓	✓	✓	✓	✓	✓	✓
Major Motoring Offences (Table 2)	X	X	X	?	?	✓	✓	✓	✓	✓
Major Motoring Offences (Table 3)	X	X	X	X	X	?	?	✓	✓	✓
Drunkenness in a Motor Vehicle	X	X	X	X	X	?	?	?	?	?
Drunkenness not in a Motor Vehicle	?	?	?	✓	✓	✓	✓	✓	✓	✓

### d) Drugs

An applicant with a conviction for a drug related offence should be required to show a period of at least three years free of

convictions/complaints before an application is entertained, or five years after detoxification treatment if he/she was an addict.

Where an applicant or licensed driver has been convicted of an offence or has been investigated following a complaint relating to dealing drugs, which has been upheld, then a substantial period free of convictions would normally be expected.

Table 5 shows the period that we would reasonably consider applicants to be free of conviction. The “X” in a red box, means we would normally refuse an application; the “?” in an orange box indicates a period where an application would normally be refused where there is a pattern of offending or where a person has been addicted and has undergone detoxification; and the “✓” in a green box indicates where we would normally grant a licence.

Table 5										
Convictions - Drugs										
Type of Offence	Date Since Conviction Received (Years or Part Thereof free of Conviction)									
	1	2	3	4	5	6	7	8	9	10
Possessing Controlled Drugs	X	X	X	?	?	?	?	✓	✓	✓
Possessing Controlled Drugs with Intent to Supply	X	X	X	X	X	X	X	?	?	?
Producing Controlled Drugs	X	X	X	X	X	X	X	?	?	?
Import Drugs	X	X	X	X	X	X	X	?	?	?

#### e) Indecency/Sexual Offences

As Hackney Carriage and Private Hire Vehicle Drivers often carry unaccompanied passengers and vulnerable people, where an applicant has been convicted or has been investigated following a complaint for a sexual offence, indecent exposure, indecent assault, or importuning, which has been upheld, then the application should be refused until they can show a substantial period free of such offences.

Where a person has committed an offence which can be classified as Child Sexual Exploitation (CSE), due to the exploitative and cohesive nature of the offence or allegation, a serious view will be taken as to whether a licence should be granted. A significant period of time free of conviction would be expected, even where a similar offence or allegation might have been committed where it does not relate to CSE.

If more than one conviction of this kind or under circumstances where a serious crime of indecency or of a sexual nature has been committed, or where the applicant is on the Sex Offenders Register, the Sub-Committee should give serious consideration as to whether or not a licence should be granted.

Table 6 shows the period that we would reasonably consider applicants to be free of conviction. The “X” in a red box, means we would normally refuse an application; the “?” in an orange box indicates a period where an application would normally be refused where there is a pattern of offending; and the “✓” in a green box indicates where we would normally grant a licence.

Table 6										
Convictions - Indecency										
Type of Offence	Date Since Conviction Received (Years or Part Thereof free of Conviction)									
	1	2	3	4	5	6	7	8	9	10
Indecent Exposure	X	X	X	X	X	X	X	?	?	?
Indecent Exposure to the Annoyance of Residents	X	X	X	X	X	X	X	?	?	?
Indecent Exposure with intent to insult a female	X	X	X	X	X	X	X	X	?	?
Unlawful Sexual Intercourse	X	X	X	X	X	X	?	?	?	?
Importuning	X	X	X	X	X	X	X	?	?	✓
Gross Indecency with a Female	X	X	X	X	X	X	X	X	X	X
Gross Indecency with a Male	X	X	X	X	X	X	X	X	X	X
Indecent Assault on a Female	X	X	X	X	X	X	X	X	X	X
Indecent Assault on a Child under 16 years of age	X	X	X	X	X	X	X	X	X	X
Living Off Immoral Earnings	X	X	X	X	X	X	X	?	?	?
Prostitution	X	X	X	X	X	?	?	✓	✓	✓
Possessing or Distributing Obscene Material	X	X	X	X	X	X	X	X	?	?
Buggery	X	X	X	X	X	X	X	X	X	X
Rape	X	X	X	X	X	X	X	X	X	X
Indecent or Nuisance Telephone Calls	X	X	X	X	X	?	?	?	✓	✓
<b>Offences classified as CSE</b>	X	X	X	X	X	X	X	X	X	X

f) *Violence*

As Hackney Carriage and Private Hire Vehicle Drivers maintain close contact with the public, a firm line should be taken with applicants who have been convicted or have been investigated following a complaint for grievous bodily harm, wounding or assault, which has been upheld. A significant period free of such convictions should be shown before an application is entertained and even then a strict warning should be administered.

Where a person has committed an offence which can be classified as Domestic Violence, due to the one to one nature of the offence, a serious view will be taken as to whether a licence should be granted. A significant period of time free of conviction would be expected, even where a similar offence might have been committed outside of the domestic setting.

If someone has re-offended or has committed a serious offence of violence consideration should be given as to whether or not a licence should be granted.

Table 7 shows the period that we would reasonably consider applicants to be free of conviction. The “X” in a red box, means we would normally refuse an application, the “?” in an orange box indicates a period where an application would normally be refused where there is a pattern of offending and the “✓” in a green box indicates where we would normally grant a licence.

Table 7										
Convictions - Violence										
Type of Offence	Date Since Conviction Received (Years or Part Thereof free of Conviction)									
	1	2	3	4	5	6	7	8	9	10
Common Assault	X	X	X	X	?	?	?	✓	✓	✓
Assault, s47	X	X	X	?	?	?	✓	✓	✓	✓
Grievous Bodily Harm, s20	X	X	X	X	X	X	?	?	?	✓
Grievous Bodily Harm, s18	X	X	X	X	X	X	X	X	?	?
Assault Police	X	X	X	X	X	X	?	?	?	✓
Affray	X	X	X	?	?	?	✓	✓	✓	✓
Riot	X	X	X	X	X	X	X	X	X	X
Murder	X	X	X	X	X	X	X	X	X	X
Manslaughter	X	X	X	X	X	X	X	X	X	X
Manslaughter or Culpable Homicide while Driving	X	X	X	X	X	X	X	X	X	X
Using Threatening, Abusive Words or Behaviour	?	?	?	?	?	✓	✓	✓	✓	✓
Battery	X	X	X	?	?	?	✓	✓	✓	✓
Breach of the Peace	?	?	?	✓	✓	✓	✓	✓	✓	✓
Drunk and Disorderly	?	?	✓	✓	✓	✓	✓	✓	✓	✓
Common Assault - Aggravated	X	X	X	?	?	✓	✓	✓	✓	✓
Obstruction	X	X	?	?	✓	✓	✓	✓	✓	✓
Robbery	X	X	X	X	X	?	?	?	✓	✓
Possess Offensive Weapon	X	X	X	?	?	?	✓	✓	✓	✓
Possess Firearm	X	X	X	X	X	?	?	✓	✓	✓
Possess Firearm with intent	X	X	X	X	X	?	?	?	?	?
Criminal Damage	X	X	X	?	?	✓	✓	✓	✓	✓
Violent Disorder	X	X	X	X	X	X	?	?	✓	✓
Resist Arrest	X	X	X	?	?	✓	✓	✓	✓	✓
Arson	X	X	X	X	X	X	X	X	X	X
Offences classified as Domestic Violence	X	X	X	X	X	X	X	X	?	?

g) Dishonesty

Hackney Carriage and Private Hire Vehicle Drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare etc. Overseas visitors can be confused by the change in currency and become “fair game” for



an unscrupulous driver. For these reasons a serious view should be taken where an applicant has been convicted or has been investigated following a complaint for involving dishonesty which has been upheld, and note whether there is a pattern. In general, a significant period free of conviction should be required before entertaining an application.

Table 8 shows the period that we would reasonably consider applicants to be free of conviction. The “X” in a red box, means we would normally refuse an application, the “?” in an orange box indicates a period where an application would normally be refused where there is a pattern of offending and the “✓” in a green box indicates where we would normally grant a licence.

Table 8										
Convictions - Dishonesty										
Type of Offence	Date Since Conviction Received (Years or Part Thereof free of Conviction)									
	1	2	3	4	5	6	7	8	9	10
Theft	X	X	X	?	?	?	✓	✓	✓	✓
Theft – Shoplifting	X	X	X	?	?	?	✓	✓	✓	✓
Theft – Employee	X	X	X	X	X	?	?	?	✓	✓
Theft – From Vehicle	X	X	X	?	?	?	✓	✓	✓	✓
Burglary & Theft - Dwelling	X	X	X	X	X	?	?	?	✓	✓
Burglary & Theft – Non Dwelling	X	X	X	?	?	?	✓	✓	✓	✓
Burglary & Theft – Aggravated	X	X	X	X	X	X	X	?	?	?
Fraudulent Use	X	X	X	X	X	?	?	?	✓	✓
Handling	X	X	X	?	?	?	✓	✓	✓	✓
Receiving	X	X	X	?	?	?	✓	✓	✓	✓
Forgery	X	X	X	?	?	?	?	?	✓	✓
Conspiracy to Defraud	X	X	X	?	?	?	✓	✓	✓	✓
Obtain Money by Deception	X	X	X	X	X	?	?	?	✓	✓
Obtain Money by Forged Instrument	X	X	X	X	X	?	?	?	✓	✓
Deception	X	X	X	?	?	?	✓	✓	✓	✓
False Accounting	X	X	?	?	?	?	?	✓	✓	✓
False Statement to Obtain Benefit	X	X	X	X	X	?	?	?	✓	✓
Going Equipped	X	X	X	?	?	?	✓	✓	✓	✓
Taking/Driving or Attempt to Steal Vehicle	X	X	X	?	?	?	?	✓	✓	✓
Allow to be Carried in a Stolen Vehicle	X	X	X	?	?	?	✓	✓	✓	✓
Perverting the Course of Justice	X	X	X	X	X	?	?	?	✓	✓

*h) Offences of more than one type (Driving/Drunkenness/Drugs/Indecency/Violence/Dishonesty) etc*

Where a person has committed a number of offences under the various different headings, we will consider the general pattern of non-compliance with the law as a pattern of offending rather than being of a similar type of offence. Depending on the mix and type of offences, the period clear of conviction that would be required can vary. In general, the period free of conviction should be that of the most serious offence

taking into account the period of offending. The period free should go from the last offence but for the length of the most serious offence.

### i) *Licensing Offences*

Driving a Hackney Carriage or Private Hire Vehicle is a privilege, one which requires the applicant to go through a number of checks and then behave within the legal requirements of the various pieces of legislation, byelaws, conditions and codes of conduct.

Breaches to the law regulating Hackney Carriage and Private Hire Licensing can have an impact on the safety of the public and non-compliance with the requirements is a cause for concern. Depending on the type of offence, a period free of conviction should be expected before a licence application is considered.

Table 9 shows the period that we would reasonably consider applicants to be free of conviction. The “X” in a red box, means we would normally refuse an application; the “?” in an orange box indicates a period where an application would normally be refused where there is a pattern of offending or where a person is alcohol dependant; and the “✓” in a green box indicates where we would normally grant a licence.

Table 9										
Convictions – Licensing Offences										
Type of Offence	Date Since Conviction Received (Years or Part Thereof free of Conviction)									
	1	2	3	4	5	6	7	8	9	10
Minor Licensing	?	?	?	✓	✓	✓	✓	✓	✓	✓
Major Licensing Offences	X	X	X	?	?	✓	✓	✓	✓	✓
Unlicensed Driver, Vehicle or Operator Offences	X	X	X	X	X	?	?	✓	✓	✓
Failure to ensure the safety of a passenger	X	X	X	X	X	?	?	✓	✓	✓

## 8.0 Determination of an Application where Non-Conviction Information has been disclosed by the Police

8.1 There is no judicially approved test of fitness and propriety and, accordingly, a number of local tests have been developed. These tend to be based on a test similar to the following:

‘Would you (as a member of the Licensing Committee or other person charged with the ability to grant a hackney carriage and/or private hire driver’s licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?’



8.2 If the answer to this question (or a similar test) is an unqualified 'Yes', then the test is probably satisfied. If there are any doubts in the minds of those who make the decision, then further consideration should be given as to whether this person is a fit and proper person to hold a hackney carriage/private hire driver's licence. So if members are not sure about an applicant then they cannot grant a licence

8.3 Where a person is barred from working with children or vulnerable adults, serious questions need to be asked as to a person's fitness and propriety. Where such a bar is applied then the Council would normally refuse an application, subject to hearing and mitigating factors.

## **9.0 General**

9.1 It is important to stress that the above examples constitute guidance only and that each case must be decided on its own merits.

9.2 A person with a relevant conviction for serious crime need not be permanently barred from obtaining a licence but, generally speaking, the applicant will be expected to remain free of conviction for a period, depending on the type of offence and the circumstances, before a licence is determined. Consideration should be given as to whether or not the offence is isolated and whether there are mitigating circumstances.

9.3 The overriding consideration should be the protection of the public.

## **10.0 Action available to the Sub-Committee**

10.1. The options available to the Licensing (Miscellaneous) Sub-Committee are as follows:

- a) Issue the licence as applied for
- b) Issue the licence for a period less than 3 years
- c) Refuse the application for a licence

10.2 The penalty points issued in accordance with **Schedule 1 of Appendix G** will not apply to new applications.

**Appendix C**



**GUIDANCE TO MEMBERS**

**Review and Applications to Renew Hackney Carriage &  
Private Hire Vehicle Drivers' Licences**

## 1.0 Introduction

- 1.1 This guidance was originally based on the Department of Transport Circular 2/92 and the Home Office Circular 13/92. In developing the guidance consideration has been given to the amendment to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 in March 2002 to include drivers of Hackney Carriages and Private Hire Vehicles and the Bichard Enquiry regarding the disclosure of non-conviction information on DBS Disclosures. The guidance was reviewed in 2014 to include a points scheme, which is used to determine if a person is “fit and proper” or “for any other reasonable cause” and to provide further clarification as to how motoring convictions and fixed penalties are dealt with.
- 1.2 The purpose of the guidance is to assist members and officers to determine the fitness of a licensed driver to hold a Hackney Carriage/Private Hire Vehicle Drivers Licence in accordance with The Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

## 2.0 Background

- 2.1 North Lincolnshire Council is a registered body with the Disclosure and Barring Service, formally the Criminal Records Bureau.
- 2.2 It uses the **Disclosure and Barring Service, formally the Criminal Records Bureau (DBS)** to assess an individual's suitability to drive a Hackney Carriage / Private Hire Vehicle.
- 2.3 The main objective is to obtain information to assist in establishing whether a person is a ‘fit and proper person’ under the Local Government (Miscellaneous Provisions) Act 1976 and to review a licence under section 61 of the said Act to consider if a person should hold a licence or if a licence should be renewed.
- 2.5 It also enables the local authority to attach any conditions to the granting of the licence, which it feels are necessary to protect members of the public.

## 3.0 Scope of Legislation

- 3.1 The Rehabilitation of Offenders Act was introduced in 1974 to help restore the reputation of persons who have been convicted of an offence but have since stayed on the right side of the law. In normal circumstances, if someone is sentenced to 30 months or less in prison, the conviction will become 'spent' after 7 years, beginning with the date of sentence, and would no longer need to be disclosed when applying for employment. However, applicants for certain occupations, including Hackney Carriage and Private Hire Drivers, will always be required to disclose all their previous convictions, regardless of whether or not they would normally be regarded as ‘spent’, and all relevant convictions can therefore be considered.

- 3.2 The Bichard Enquiry came following the Home Secretary's announcement that an independent inquiry would be held. This would consider the way in which the police handled intelligence and the vetting processes prior to Huntley being employed in a school.
- 3.3 Sir Michael Bichard, Rector of the London Institute and a former Permanent Secretary at the Department for Education and Employment, was appointed as Chairman of the inquiry.
- 3.4 Sir Michael Bichard looked into the events surrounding the Soham Murders of 2002 and in particular what was previously known about Huntley. The concern existed that professionals in Humberside were aware that Huntley had a history of sexual relationships with girls under the age of sixteen. However, this information did not appear to have been readily available and as a consequence when the school where Huntley was subsequently employed carried out its statutory checks on him nothing untoward came to light. Bichard made a number of recommendations, some of which affects the information, which is now disclosed on the DBS Disclosure that may not have appeared before.
- 3.5 On application to renew a licence every 3 years, a request is made to the DBS for a disclosure of any criminal record held in the name of the applicant prior to the grant of a licence
- 3.6 An Enhanced Disclosure is requested, which contains the same details as a Standard Disclosure but may also contain non-conviction information from local police records, which a chief police officer thinks may be relevant in connection with the matter in question.
- 3.7 It is also a requirement that the applicant must submit their DVLA driving. Failure to do so will result in the application being incomplete.
- 3.8 A further DBS check can be requested by the Licensing Team at any time during a licence where there is reason to believe that the licence holder has been convicted of a further offence. Information may be received from many different sources such as, the public, trade, police or even in the local press regarding current Hackney Carriage/Private Hire Vehicle Driver's who have been convicted of an offence.

#### **4.0 Magistrates Guidelines and the Committee**

- 4.1 When Magistrates convict a person, they act within their guidelines. According to the seriousness of the offence or exceptional hardship, a person might receive a more lenient sentence or be able to retain their drivers licence. Members cannot take these guidelines into consideration when they make their decision, nor should they consider exceptional hardship when deciding if a person is fit and proper to hold a licence. Member should restrict their deliberations to this guidance and determine each application on its merits.

## **5.0 Determination of Relevant Information / Convictions, by Board of Officers**

- 5.1 As previously stated, applicants for Hackney Carriage & Private Hire Vehicle Drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974, and therefore all relevant convictions can be considered.
- 5.2 The legislation also allows the Licensing Authority to consider comments received by the police relating to Hackney Carriage/Private Hire Vehicle Drivers, in situations where a conviction may or may not have been obtained. As all applicants for renewal or licensed Hackney Carriage/Private Hire Vehicle Driver's have the right to a fair and proper hearing, the members, in these circumstances, will have the opportunity to put questions to the applicant and the police and clarify any issues raised in the DBS disclosure made by the police, at the Sub-Committee.
- 5.3 Where a DBS Disclosure, for the application or review of a driver's licence shows a Trace or is accompanied by any relevant police comments, an Assessment Board of Officers of the Licensing Division considers the nature of any offences or information provided by the Chief Police Officer. The date of the event, the age of the applicant and any other relevant factors will be considered to determine if it is relevant. In the event that the Assessment Board is not satisfied that the applicant is a "fit and proper" person, a recommendation is made to this Sub-Committee to determine the application.
- 5.4 On receipt of the application, disclosure and DVLA driving licence, the Licensing Officer will check the details. If convictions are disclosed and/or offences displayed on the driving licence, an Assessment Board, will be convened.
- 5.5 The Assessment Board will consider: -
- If the conviction or endorsement was declared,
  - The relevance of the offence,
  - Whether the disclosure reveals a pattern of behaviour,
  - The circumstances surrounding the offence and the explanation(s) offered by the applicant.
- 5.6 Where an applicant to renew a licence or a licence holder who has amassed 12 or more points under the Council's Penalty Points Scheme, the said person will be referred to the Licensing (Miscellaneous) Sub-Committee to determine if they should remain a licence holder under any other reasonable cause in accordance with s61 of the Local Government (Miscellaneous Provisions) Act 1976.
- 5.7 In more serious cases, a licensed driver may be referred to the Licensing (Miscellaneous) Sub-Committee without the attachment of points. In such cases, the Committee may attach points or take other action as they deem appropriate.

## 6.0 Role of the Licensing (Miscellaneous) Sub-Committee

6.1 The Members on the Sub-committee are an impartial body who are appointed to hear and determine applications to renew Hackney Carriage and Private Hire Vehicle Drivers Licences and to review licences where a driver has either amassed more than 12 penalty points or where there has been a complaint. When doing so they shall consider all information and determine each application on its merits, having take into account this guidance.

6.2 In the case of applications to renew a licence or a review of a licence, the onus is on the Licensing Officer to show that on the balance of probability they are not a “fit and proper” person in accordance with s61 of the Act. Should they not be able to satisfy the Committee of this, then the licence should be allowed to continue or be renewed.

## 7.0 Determination of an Application to Renew where Convictions/Endorsements are disclosed

7.1 If the matters revealed are deemed relevant, the Assessment Board will refer the matter to the Licensing (Miscellaneous) Sub Committee for determination. Certain types of offences will always be referred.

7.2 The following examples afford a general guide on the action to be taken where convictions are admitted.

### a) *Minor traffic offences*

Convictions or fixed penalties for minor traffic offences should not prevent a person from holding a licence. The following offences, in Table 1 are deemed to be minor motoring convictions for the purpose of this guidance:

Table 1	
Code	Offence Detail
AC10	Failing to stop after an accident.
AC20	Failing to give particulars or report an accident within 24 hours.
AC30	Undefined accident offence.
CU10	Using a vehicle with defective brakes.
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition.
CU30	Using a vehicle with defective tyres.
CU40	Using a vehicle with defective steering.
CU50	Causing or likely to cause danger by reason of load or passengers.
CU60	Undefined failure to comply with Construction and Use Regulations.
CU80	Breach or requirements as to control of the vehicle, mobile telephone etc.
LC10	Driving without a licence.
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.



MS10	Leaving a vehicle in a dangerous position.
MS20	Unlawful pillion riding.
MS30	Playstreet Offences
MS60	Offences not covered by other codes (including offences relating to breach of requirements as to control of vehicle).
MS70	Driving with uncorrected defective eyesight.
MS80	Refusing to submit to an eye test.
MS90	Failure to give information as to identity of driver etc.
MW10	Contravention of special roads 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.
SP10	Exceeding goods vehicle speed limit.
SP20	Exceeding speed limit for type of vehicle (Excluding goods or passenger vehicles)
SP30	Exceeding statutory speed limit on a public road.
SP40	Exceeding passenger vehicle speed limit.
SP50	Exceeding speed limit on a motorway.
TS10	Failing to comply with traffic light signals.
TS20	Failing to comply with double white lines.
TS30	Failing to comply with 'STOP' sign.
TS40	Failing to comply with direction of a constable/warden.
TS50	Failing to comply with traffic sign (excluding 'STOP' signs, traffic lights or double white lines).
TS60	Failing to comply with school crossing patrol.
TS70	Undefined failure to comply with traffic direction sign.

Where an endorsement is made for aiding, abetting, counselling or procuring offences (0 is replaced with 2, code LC20 becomes LC22); or causing or permitting offences (0 is replaced with 4, code LC20 becomes LC24); or inciting (0 is replaced with 6, code LC20 becomes LC26), these will also be deemed to be minor traffic offences.

Where an applicant or driver has accrued 12 or more points on their licence, that would be sufficient to require a period of disqualification of the applicant's driving licence, then members will normally consider either suspension or revocation of the licence, especially if there is a pattern of offending, for example of excessive speed. In such cases, it would be for the applicant/driver to state their mitigation to the Licensing (Miscellaneous) Sub-Committee as to why they are a fit and proper person or why they should be allowed to keep their licence.

*b) Major traffic offences*

An isolated conviction one of the offences listed in Table 2, for example for reckless driving or driving without due care and attention etc, should not normally merit either the refusal of an application to renew, or the suspension or revocation of a Hackney Carriage and/or Private Hire Vehicle Drivers Licence. Clarification should be sought as to the reason for the conviction and circumstances at the time of the offence should be taken into account.



Table 2	
Code	Offence Detail
BA10	Driving while disqualified by order of court.
BA30	Attempting to drive while disqualified by order of court.
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.
DR70	Failing to provide specimen for breath test.
IN10	Using a vehicle uninsured against third party risks.
MS50	Motor racing on the highway.
TT99	Disqualification under totting-up.

More than one conviction or endorsement for this type of offence within the last three years would normally merit refusal of an application to renew or the revocation of a Hackney Carriage or Private Hire Vehicle Drivers licence and no further application should be considered until a period free from convictions has elapsed.

Convictions or endorsements for the offences listed in Table 3 would normally merit the revocation or immediate suspension of a hackney carriage or private hire vehicle drivers licence or the refusal of an application for renewal of a licence where the date of conviction/endorsement was within the last five years.

Table 3	
Code	Offence Detail
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 alcohol analysis.
CD80	Causing death by careless, or inconsiderate, driving.
CD90	Causing death by driving: unlicensed, disqualified or uninsured drivers.
DD10	Causing serious injury by dangerous driving.
DD40	Dangerous driving.
DD60	Manslaughter or culpable homicide while driving a vehicle.
DD80	Causing death by dangerous driving.
DD90	Furious driving.
DR10	Driving or attempting to drive with alcohol level above limit.
DR20	Driving or attempting to drive while unfit through drink.
DR30	Driving or attempting to drive then failing to supply a specimen for analysis.
DR31	Driving or attempting to drive then refusing to give permission for analysis of 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.
DR61	Refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity in circumstances other than driving or attempting to drive.
DR80	Driving or attempting to drive when unfit through drugs.
DR90	In charge of a vehicle when unfit through drugs.
MR09	Reckless or dangerous driving (whether or not resulting in death, injury or serious risk).
MR19	Wilful failure to carry out the obligation placed on driver after being

	involved in a road accident (hit or run)
MR29	Driving a vehicle while under the influence of alcohol or other substance affecting or diminishing the mental and physical abilities of a driver.
MR39	Driving a vehicle faster than the permitted speed
MR49	Driving a vehicle whilst disqualified.
MR59	Other conduct constituting an offence for which a driving disqualification has been imposed by the State of Offence.
UT50	Aggravated taking of a vehicle.

Where an applicant has such a conviction/endorsement, then no further application would be considered until a period free of conviction has elapsed.

*c) Drunkenness*

*1. With motor vehicle.* A serious view will be taken of convictions of driving or being in charge of a vehicle while under the influence of alcohol. An isolated incident should not necessarily debar an applicant but there is an expectation that applicants have had a period free of conviction.

More than one conviction for these offences gives the Council serious doubts as to the applicant's fitness to hold a licence. A substantial period should elapse (after the restoration of the driving licence) before an applicant may be considered for a licence. If there is any suggestion that the applicant is an alcohol dependant, a special medical examination shall be arranged before the applicant is entertained. If the applicant is found to be an alcohol impediment a period of five years should elapse after treatment is complete before a further licence application is considered.

*2. Not in motor vehicle.* An isolated conviction for drunkenness need not debar an applicant from gaining a licence. However, a number of convictions or a pattern for drunkenness could indicate a medical problem necessitating critical examination (see (1) above). In some cases, a warning may be sufficient, however.

Table 4 shows the period that we would reasonably consider applicants to be free of conviction. The "X" in a red box, means we would normally refuse and application; the "?" in an orange box indicates a period where an application would normally be refused where there is a pattern of offending or where a person is alcohol dependant; and the "✓" in a green box indicates where we would normally grant a licence. Where a licence would normally be refused, the question should be asked as to if a licensed driver should be allowed to continue to drive the public around in a vehicle.

Table 4										
Convictions – Driving Offences										
Type of Offence	Date Since Conviction Received (Years or Part Thereof free of Conviction)									
	1	2	3	4	5	6	7	8	9	10
Minor Motoring Offences (Table 1)	?	?	?	✓	✓	✓	✓	✓	✓	✓
Major Motoring Offences (Table 2)	X	X	X	?	?	✓	✓	✓	✓	✓
Major Motoring Offences (Table 3)	X	X	X	X	X	?	?	✓	✓	✓
Drunkenness in a Motor Vehicle	X	X	X	X	X	?	?	?	?	?
Drunkenness not in a Motor Vehicle	?	?	?	✓	✓	✓	✓	✓	✓	✓

d) *Drugs*

An applicant with a conviction for a drug related offence should be required to show a period of at least three years free of convictions/complaints before an application is entertained, or five years after detoxification treatment if he/she was an addict.

Where an applicant or licensed driver has been convicted of an offence or has been investigated following a complaint relating to dealing drugs, which has been upheld, then a substantial period free of convictions would normally be expected.

Table 5 shows the period that we would reasonably consider applicants to be free of conviction. The “X” in a red box, means we would normally refuse an application; the “?” in an orange box indicates a period where an application would normally be refused where there is a pattern of offending or where a person is alcohol dependant; and the “✓” in a green box indicates where we would normally grant a licence. Where a licence would normally be refused, the question should be asked as to if a licensed driver should be allowed to continue to drive the public around in a vehicle.

Table 5										
Convictions - Drugs										
Type of Offence	Date Since Conviction Received (Years or Part Thereof free of Conviction)									
	1	2	3	4	5	6	7	8	9	10
Possessing Controlled Drugs	X	X	X	?	?	?	?	✓	✓	✓
Possessing Controlled Drugs with Intent to Supply	X	X	X	X	X	X	X	?	?	?
Producing Controlled Drugs	X	X	X	X	X	X	X	?	?	?
Import Drugs	X	X	X	X	X	X	X	?	?	?

e) *Indecency/Sexual Offences*

As Hackney Carriage and Private Hire Vehicle Drivers often carry unaccompanied passengers. Where an applicant or licensed driver has been convicted or has been investigated following a complaint for a sexual offence, indecent exposure, indecent assault, or importuning, which has been upheld, then the application should be refused until they can show a substantial period free of such offences.

Where a person has committed an offence which can be classified as Child Sexual Exploitation (CSE), due to the exploitative and cohesive nature of the offence or allegation, a serious view will be taken as to whether a licence should be granted. A significant period of time free of conviction would be expected, even where a similar offence or allegation might have been committed where it does not relate to CSE.

If more than one conviction of this kind or under circumstances where a serious crime of indecency or of a sexual nature has been committed, or where the applicant is on the Sex Offenders Register, the Sub-Committee should give serious consideration as to whether or not a licence should be granted.

Table 6 shows the period that we would reasonably consider applicants to be free of conviction. The “X” in a red box, means we would normally refuse an application; the “?” in an orange box indicates a period where an application would normally be refused where there is a pattern of offending or where a person is alcohol dependant; and the “✓” in a green box indicates where we would normally grant a licence. Where a licence would normally be refused, the question should be asked as to if a licensed driver should be allowed to continue to drive the public around in a vehicle.

Table 6										
Convictions - Indecency										
Type of Offence	Date Since Conviction Received (Years or Part Thereof free of Conviction)									
	1	2	3	4	5	6	7	8	9	10
Indecent Exposure	X	X	X	X	X	X	X	?	?	?
Indecent Exposure to the Annoyance of Residents	X	X	X	X	X	X	X	?	?	?
Indecent Exposure with intent to insult a female	X	X	X	X	X	X	X	X	?	?
Unlawful Sexual Intercourse	X	X	X	X	X	X	?	?	?	?
Importuning	X	X	X	X	X	X	X	?	?	✓
Gross Indecency with a Female	X	X	X	X	X	X	X	X	X	X
Gross Indecency with a Male	X	X	X	X	X	X	X	X	X	X
Indecent Assault on a Female	X	X	X	X	X	X	X	X	X	X
Indecent Assault on a Child under 16 years of age	X	X	X	X	X	X	X	X	X	X
Living Off Immoral Earnings	X	X	X	X	X	X	X	?	?	?
Prostitution	X	X	X	X	X	?	?	✓	✓	✓

Possessing or Distributing Obscene Material	X	X	X	X	X	X	X	X	?	?
Buggery	X	X	X	X	X	X	X	X	X	X
Rape	X	X	X	X	X	X	X	X	X	X
Indecent or Nuisance Telephone Calls	X	X	X	X	X	?	?	?	✓	✓
<b>Offences classified as CSE</b>	X	X	X	X	X	X	X	X	X	X

f) *Violence*

As Hackney Carriage and Private Hire Vehicle Drivers maintain close contact with the public, a firm line should be taken with applicants or licensed drivers who have been convicted or have been investigated following a complaint for grievous bodily harm, wounding or assault, which has been upheld. Serious consideration should be given to revocation of the licence where a person has been convicted of such an offence.

Where a person has committed an offence which can be classified as Domestic Violence, due to the one to one nature of the offence, a serious view will be taken as to whether a licence should be granted. A significant period of time free of conviction would be expected, even where a similar offence might have been committed outside of the domestic setting.

If someone has re-offended or has committed a serious offence of violence consideration should be given as to whether or not a licence should be refused on application to renew or revoked.

Table 7 shows the period that we would reasonably consider applicants to be free of conviction. The “X” in a red box, means we would normally refuse an application; the “?” in an orange box indicates a period where an application would normally be refused where there is a pattern of offending or where a person is alcohol dependant; and the “✓” in a green box indicates where we would normally grant a licence. Where a licence would normally be refused, the question should be asked as to if a licensed driver should be allowed to continue to drive the public around in a vehicle.

Table 7										
Convictions - Violence										
Type of Offence	Date Since Conviction Received (Years or Part Thereof free of Conviction)									
	1	2	3	4	5	6	7	8	9	10
Common Assault	X	X	X	X	?	?	?	✓	✓	✓
Assault, s47	X	X	X	?	?	?	✓	✓	✓	✓
Grievous Bodily Harm, s20	X	X	X	X	X	X	?	?	?	✓
Grievous Bodily Harm, s18	X	X	X	X	X	X	X	X	?	?
Assault Police	X	X	X	X	X	X	?	?	✓	✓
Affray	X	X	X	?	?	?	✓	✓	✓	✓
Riot	X	X	X	X	X	X	X	X	X	X



Murder	X	X	X	X	X	X	X	X	X	X
Manslaughter	X	X	X	X	X	X	X	X	X	X
Manslaughter or Culpable Homicide while Driving	X	X	X	X	X	X	X	X	X	X
Using Threatening, Abusive Words or Behaviour	?	?	?	?	?	✓	✓	✓	✓	✓
Battery	X	X	X	?	?	?	✓	✓	✓	✓
Breach of the Peace	?	?	?	✓	✓	✓	✓	✓	✓	✓
Drunk and Disorderly	?	?	✓	✓	✓	✓	✓	✓	✓	✓
Common Assault - Aggravated	X	X	X	?	?	✓	✓	✓	✓	✓
Obstruction	X	X	?	?	✓	✓	✓	✓	✓	✓
Robbery	X	X	X	X	X	?	?	?	✓	✓
Possess Offensive Weapon	X	X	X	?	?	?	✓	✓	✓	✓
Possess Firearm	X	X	X	X	X	?	?	✓	✓	✓
Possess Firearm with intent	X	X	X	X	X	?	?	?	?	?
Criminal Damage	X	X	X	?	?	✓	✓	✓	✓	✓
Violent Disorder	X	X	X	X	X	?	?	?	✓	✓
Resist Arrest	X	X	X	?	?	✓	✓	✓	✓	✓
Arson	X	X	X	X	X	X	X	X	X	X
<b>Offences classified as Domestic Violence</b>	X	X	X	X	X	X	X	X	?	?

*g) Dishonesty*

Hackney Carriage and Private Hire Vehicle Drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare etc. Overseas visitors can be confused by the change in currency and become “fair game” for an unscrupulous driver. For these reasons a serious view should be taken where an applicant to renew or licensed driver has been convicted or has been investigated following a complaint for involving dishonesty which has been upheld, and note whether there is a pattern. In general, a period of 3 to 5 years free of conviction should be required before entertaining an application.

Table 8 shows the period that we would reasonably consider applicants to be free of conviction. The “X” in a red box, means we would normally refuse an application; the “?” in an orange box indicates a period where an application would normally be refused where there is a pattern of offending or where a person is alcohol dependant; and the “✓” in a green box indicates where we would normally grant a licence. Where a licence would normally be refused, the question should be asked as to if a licensed driver should be allowed to continue to drive the public around in a vehicle.

Table 8										
Convictions - Dishonesty										
Type of Offence	Date Since Conviction Received (Years or Part Thereof free of Conviction)									
	1	2	3	4	5	6	7	8	9	10
Theft	X	X	X	?	?	?	✓	✓	✓	✓
Theft – Shoplifting	X	X	X	?	?	?	✓	✓	✓	✓
Theft – Employee	X	X	X	X	X	?	?	?	✓	✓
Theft – From Vehicle	X	X	X	?	?	?	✓	✓	✓	✓
Burglary & Theft - Dwelling	X	X	X	X	X	?	?	?	✓	✓
Burglary & Theft – Non Dwelling	X	X	X	?	?	?	✓	✓	✓	✓
Burglary & Theft – Aggravated	X	X	X	X	X	X	X	?	✓	✓
Fraudulent Use	X	X	X	X	X	?	?	?	✓	✓
Handling	X	X	X	?	?	?	✓	✓	✓	✓
Receiving	X	X	X	?	?	?	✓	✓	✓	✓
Forgery	?	?	?	?	?	?	?	?	✓	✓
Conspiracy to Defraud	X	X	X	?	?	?	✓	✓	✓	✓
Obtain Money by Deception	?	?	?	✓	✓	?	?	?	✓	✓
Obtain Money by Forged Instrument	?	?	✓	✓	✓	?	?	?	✓	✓
Deception	X	X	X	?	?	?	✓	✓	✓	✓
False Accounting	X	X	?	?	?	?	?	✓	✓	✓
False Statement to Obtain Benefit	X	X	X	X	X	?	?	?	✓	✓
Going Equipped	X	X	X	?	?	?	✓	✓	✓	✓
Taking/Driving or Attempt to Steal Vehicle	X	X	X	?	?	?	?	✓	✓	✓
Allow to be Carried in a Stolen Vehicle	X	X	X	?	?	?	✓	✓	✓	✓
Perverting the Course of Justice	X	X	X	?	?	?	?	?	✓	✓

*h) Offences of more than one type (Driving/Drunkenness/Drugs/Indecency/Violence/Dishonesty) etc*

Where a person has committed a number of offences under the various different headings, we will consider the general pattern of non-compliance with the law as a pattern of offending rather than being of a similar type of offence. Depending on the mix and type of offences, the period clear of conviction that would be required can vary. In general, the period free of conviction should be that of the most serious offence taking into account the period of offending. The period free should go from the last offence but for the length of the most serious offence.

*h) Licensing Offences*

Driving a Hackney Carriage or Private Hire Vehicle is a privilege, one which requires the applicant to go through a number of checks and then behave within the legal requirements of the various pieces of legislation, byelaws, conditions and codes of conduct.

Breaches to the law regulating Hackney Carriage and Private Hire Licensing can have an impact on the safety of the public and non-compliance with the requirements is a cause for concern. Depending



on the type of offence, a period free of conviction should be expected before an application to renew a licence is considered. Consideration should be given to suspend or revoke a licence where licensee has been convicted of an offence or where sufficient evidence is provided at a review.

Table 9 shows the period that we would reasonably consider applicants to be free of conviction. The “X” in a red box, means we would normally refuse an application; the “?” in an orange box indicates a period where an application would normally be refused where there is a pattern of offending or where a person is alcohol dependant; and the “✓” in a green box indicates where we would normally grant a licence.

Table 9										
Convictions – Licensing Offences										
Type of Offence	Date Since Conviction Received (Years or Part Thereof free of Conviction)									
	1	2	3	4	5	6	7	8	9	10
Minor Licensing	?	?	?	✓	✓	✓	✓	✓	✓	✓
Major Licensing Offences	X	X	X	?	?	✓	✓	✓	✓	✓
Unlicensed Driver, Vehicle or Operator Offences	X	X	X	X	X	?	?	✓	✓	✓
Failure to ensure the safety of a passenger	X	X	X	X	X	?	?	✓	✓	✓

## 8.0 Determination of an Application where Non-Conviction Information has been disclosed by the Police or Following Complaint

8.1 There is no judicially approved test of fitness and propriety and, accordingly, a number of local tests have been developed. These tend to be based on a test similar to the following:

‘Would you (as a member of the licensing committee or other person charged with the ability to renew a hackney carriage and/or private hire driver’s licence or review it) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?’

8.2 If the answer to this question (or a similar test) is an unqualified ‘Yes’, then the test is probably satisfied. If there are any doubts in the minds of those who make the decision, then further consideration should be given as to whether this person is a fit and proper person to hold a hackney carriage/private hire driver’s licence.

8.3 Mr Justice Silber made an obiter observation in the case of *Leeds City Council v Hussain*. In the context of suspension of a drivers licence “for any other reasonable cause” he said:

‘...the purpose of the power of suspension is to protect users of licensed vehicles and those who are driven by them and members of the public. Its purpose, therefore, is to prevent licences being given to or used by those who are not suitable people taking into account their driving record, their driving experience, their sobriety, mental and physical fitness, honesty, and that they are people who would not take advantage of their employment to abuse or assault passengers.’

8.4 This test would support the test for fitness and propriety.

8.5 Where a person is barred from working with children or vulnerable adults, serious questions need to be asked as to a person’s fitness and propriety. Where such a bar is applied then the Council would normally refuse an application for a licence or revoke a vehicle drivers licence, subject to hearing and mitigating factors.

## **9.0 General**

9.1 It is important to stress that the above examples constitute guidance only and that each case must be decided on its own merits.

9.2 A person with a relevant conviction for serious crime need not be permanently barred from obtaining a licence but, generally speaking, the applicant will be expected to remain free of conviction for a period of time, depending on the type of offence and the circumstances, before a licence is determined. Consideration should be given as to whether or not the offence is isolated and whether there are mitigating circumstances.

9.3 The overriding consideration should be the protection of the public.

## **10.0 Action available to the Sub-Committee**

10.1 The options available to the Licensing (Miscellaneous) Sub-Committee are as follows:

- a) Take No Action
- b) Issue the Driver/Proprietor with a warning
- c) Endorse the Hackney Carriage/Private Hire Vehicle, Drivers and/or Operators Licence with penalty points
- d) Require a medical or DBS check at shorter intervals than specified in the Hackney Carriage and Private Hire Licensing Policy
- e) Suspend the licence
- f) Suspend the licence subject to meeting a set criteria, e.g. passing a DSA test or knowledge test
- g) Revoke the licence
- h) Take other action as deemed appropriate

10.2 The penalty points scheme as attached as Appendix G will be used to fill a gap between issuing a warning to drivers, proprietors and operators. Where a person has amassed 12 valid points then the Council will determine if an

applicant is a fit and proper person or review a licence for any other reasonable cause, with a view to refusing an application or revocation/suspension of a licence.

Schedule 1 to Appendix G specifies the points to be added for each offence, for both applicants and licence holders.

- 10.3 Where a person hits the 12 points as a result of the points awarded by the Licensing (Miscellaneous) Sub-Committee, they will then consider if the person should retain their licence under any other reasonable cause.

**Appendix D**



**GUIDANCE TO MEMBERS**

**Appeal of Penalty Points**

## **1.0 Introduction**

- 1.1 The Penalty Points Scheme has been developed to address a gap between prosecution and doing nothing when a driver, operator or proprietor breaches the conditions attached to a licence, commits an offence or for any other reasonable cause.
- 1.2 The Penalty Points Scheme in effect provides a warning about the behaviour of the driver, operator or proprietor. The main difference with it is that points awarded act as a trigger to review a licence but these points are time limited.
- 1.3 Section 8 of the Policy provides information to the Penalty Points Scheme and further detail can be found in **Appendix G** and **Schedule 1** of the said appendix, including the number of points issued for breaches.

## **2.0 Background**

- 2.1 The main purpose of an appeal against the penalty points scheme is to determine if the driver, operator or proprietor to whom they were issued should have been issued with the points.
- 2.2 There are only certain grounds that an appeal will be considered for. These grounds are:
  - The person did not commit the offence or breach; or
  - They could not reasonably be expected to know that it was an offence or breach; or
  - It was a case of mistaken identity
- 2.3 Members should not consider any other matters when considering an appeal save for the grounds mentioned.

## **3.0 Scope of the Legislation**

- 3.1 Licences for Hackney Carriage and Private Hire Drivers, Vehicles and Operators are issued in accordance with the provisions contained within the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.
- 3.2 Under these Acts, where an infringement is committed we may either prosecute an offender or review their licence. Where the infringement or breach is less serious neither of these options would be suitable, but then nor would the option of doing nothing. The accumulation of points does not in itself constitute formal action to be taken, rather it is an administrative process that triggers a review once 12 or more points have been attached to a person's record. Separate Guidance has been developed to deal with reviews.

#### **4.0 Decision to Issue Penalty Points**

- 4.1 Before penalty points are issued an investigation should be carried out and evidence gathered to show that on the balance of probability, the person committed the offence or breach. If the Officer cannot satisfy the evidential test then penalty points should not be awarded.

#### **5.0 Appeal of Penalty Points**

- 5.1 Where an appeal is being considered, the Member hearing the appeal will consider the evidence presented by the Licensing Officer following the investigation and then hear from the licence holder who received the penalty points. Should the person not be in attendance, then the member may defer the hearing to allow attendance or dismiss the appeal.

- 5.2 When reviewing the evidence presented, the member should review the following:

- Statements provided
- Letters of Complaint
- Photographs if any
- Other documentation

- 5.3 The member should be impartial when considering the information, considering all the evidence presented and the testimony provided. The member should not take into consideration matters relating to other courses of action that could be taken.

- 5.4 If the Member is satisfied that the person does deserve the warning, then the appeal should be denied. Only where the member is satisfied that the driver, operator or proprietor can prove that they meet the criteria detailed in paragraph 2.2 of this guidance should the appeal be upheld.

- 5.5 Where a person admits the breach and that they knew it was an offence, the appeal should be dismissed irrespective of any mitigation. Mitigation of this sort should be reserved for a hearing before the Licensing (Miscellaneous) Sub-Committee, who will take into account this information should they need to do so.

#### **6.0 General**

- 6.1 It is important to stress that this document constitutes guidance only and that each case must be determined on its own merits.
- 6.2 The Members should remember that the Penalty Points Scheme is a warning that does not include any financial or punitive penalty. Should a person amass 12 or more points they are entitled to a hearing before the Licensing (Miscellaneous) Sub-Committee, where they can present their mitigation. It is

this bodies role to consider the fitness and propriety of a person and to consider if they should be able to hold a licence.

## **7.0 Action available to the Member Hearing the Appeal**

7.1 The options available to the Member of the Committee are as follows:

- Uphold the appeal
- Refuse the appeal

7.2 The Member hearing the appeal might consider the action taken as inappropriate, they may consider it to be too harsh or lenient. This is not a matter for the appeal hearing as the said person may be referred to the Sub-Committee at a future date, where it can be considered.

## **8.0 Appeal Decision**

8.1 Following the appeal hearing, the Member shall provide a written decision record. The Head of Service or other Authorised Officer shall provide assistance with the decision record.



**Appendix E**



**GUIDANCE TO MEMBERS**

**Applications and Reviews of Private Hire Operators  
Licences**

## 1.0 Introduction

- 1.1 This guidance was originally based on the Department of Transport Circular 2/92 and the Home Office Circular 13/92, which was developed to deal with applications and reviews for Hackney Carriage and Private Hire Vehicle Drivers. As the criteria for drivers and operators differs, we have determined that it is appropriate to develop additional guidance. When considering an application for a drivers licence, consideration has been given to the amendment to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 in March 2002 to include drivers of Hackney Carriages and Private Hire Vehicles and the Bichard Enquiry regarding the disclosure of non-conviction information on Criminal Record Disclosures. When dealing with operators we cannot take into account the same information as they are not exempt in the same way. The guidance was developed to consider the penalty points scheme and to determine if a person is “fit and proper” or “for any other reasonable cause” and to provide further clarification as to how motoring convictions and fixed penalties are dealt with.
- 1.2 The purpose of the guidance is to assist members and officers to determine the fitness of an applicant to hold a Private Hire Vehicle Operators Licence in accordance with the Local Government (Miscellaneous Provisions) Act 1976.

## 2.0 Background

- 2.1 North Lincolnshire Council is a registered body with the Disclosure and Barring Service, formally the Criminal Records Bureau.
- 2.6 It uses the **Disclosure and Barring Service, formally the Criminal Records Bureau** (DBS) to assess an individual’s suitability to drive a Hackney Carriage / Private Hire Vehicle. It cannot use this same information to determine an application for a Private Hire Operators Licence. Therefore, we require applicants for such a licence to submit a Basic Disclosure which details unspent convictions.
- 2.7 The main objective is to obtain information to assist in establishing whether a person is a ‘fit and proper person’ under the Local Government (Miscellaneous Provisions) Act 1976.
- 2.8 It also enables the local authority to attach any conditions to the granting of the licence, which it feels are necessary to protect members of the public.

## 3. Scope of Legislation

- 3.1 The Rehabilitation of Offenders Act was introduced in 1974 to help restore the reputation of persons who have been convicted of an offence but have since stayed on the right side of the law. In normal circumstances, if someone is sentenced to 30 months or less in prison, the conviction will become 'spent' after 7 years, beginning with the date of sentence, and would no longer need to be disclosed when applying for employment. This is the case for people applying for a Private Hire Operators Licence.

- 3.2 The Bichard Enquiry came following the Home Secretary's announcement that an independent inquiry would be held. This would consider the way in which the police handled intelligence and the vetting processes prior to Huntley being employed in a school.
- 3.3 Sir Michael Bichard, Rector of the London Institute and a former Permanent Secretary at the Department for Education and Employment, was appointed as Chairman of the inquiry.
- 3.4 Sir Michael Bichard looked into the events surrounding the Soham Murders of 2002 and in particular what was previously known about Huntley. The concern existed that professionals in Humberside were aware that Huntley had a history of sexual relationships with girls under the age of sixteen. However, this information did not appear to have been readily available and as a consequence when the school where Huntley was subsequently employed carried out its statutory checks on him nothing untoward came to light. Bichard made a number of recommendations, some of which affects the information, which is now disclosed on the DBS Disclosure that may not have appeared before.
- 3.5 When determining an application for a Private Hire Operators Licence we will consider any unspent convictions that are deemed relevant and any non-conviction information, including complaints.
- 3.6 On initial application for a licence, and upon application to renew a licence every 5 years, a basic disclosure of any criminal record held in the name of the applicant prior to the grant of a licence must be submitted.
- 3.7 A further DBS check can be requested by the Licensing Division at any time during a licence where there is reason to believe that the licence holder has been convicted of a further offence. Information may be received from many different sources such as, the public, trade, police or even in the local press regarding current Hackney Carriage/Private Hire Vehicle Driver's who have been convicted of an offence.

#### **4.0 Magistrates Guidelines and the Committee**

- 4.1 When Magistrates convict a person, they act within their guidelines. According to the seriousness of the offence or exceptional hardship, a person might receive a more lenient sentence or be able to retain their drivers licence. Members cannot take these guidelines into consideration when they make their decision, nor should they consider exceptional hardship when deciding if a person is fit and proper to hold a licence. Member should restrict their deliberations to this guidance and determine each application on its merits.

## **5.0 Determination of Relevant Information / Convictions, by Board of Officers**

- 5.1 As previously stated, applicants for Private Hire Vehicle Operators Licences are not exempt from the provisions of the Rehabilitation of Offenders Act 1974, and therefore only relevant unspent convictions can be considered.
- 5.2 Where a disclosure, for the application or review of an operator's licence shows a Trace, an Assessment Board of Officers of the Licensing Team considers the nature of any offences. The date of the event, the age of the applicant and any other relevant factors will be considered to determine if it is relevant. In the event that the Assessment Board is not satisfied that the applicant is a "fit and proper" person, a recommendation is made to this Sub-Committee to determine the application.

## **6.0 Determination of Application where Convictions/Endorsements are disclosed**

- 6.1 If the matters revealed are deemed relevant, the Assessment Board will refer the matter to the Licensing (Miscellaneous) Sub Committee for determination. Certain types of offences will always be referred.
- 6.2 The following examples afford a general guide on the action to be taken where convictions are admitted.

### *a. Minor traffic offences*

Convictions for minor traffic offences should not prevent a person from proceeding with an application. The following offences, in Table 1 are deemed to be minor motoring convictions for the purpose of this guidance:

<b>Table 1</b>	
<b>Code</b>	<b>Offence Detail</b>
	Using a vehicle with defective brakes.
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition.
CU30	Using a vehicle with defective tyres.
CU40	Using a vehicle with defective steering.
CU50	Causing or likely to cause danger by reason of load or passengers.
CU60	Undefined failure to comply with Construction and Use Regulations.
LC30	Driving after making a false declaration about fitness when applying for a licence.
MS90	Failure to give information as to identity of driver etc.

Where an applicant or operator has been convicted of such an offence, then clarification should be sought. Operators are responsible for fleets of vehicles used to convey the public and we have a duty to ensure that they are conveyed safely.

*b. Major traffic offences*

An isolated conviction one of the offences listed in Table 2, for example for reckless driving or driving without due care and attention etc, should not normally merit either the refusal of an application or the suspension or revocation of a Private Hire Operators Licence. Clarification should be sought as to the reason for the conviction and circumstances at the time of the offence should be taken into account.

Table 2	
Code	Offence Detail
BA10	Driving while disqualified by order of court.
BA30	Attempting to drive while disqualified by order of court.
CD40	Causing death through careless driving when unfit through drink.
CD50	Causing death 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 alcohol analysis.
CD80	Causing death by careless, or inconsiderate, driving.
CD90	Causing death by driving: unlicensed, disqualified or uninsured drivers.
DD10	Causing serious injury by dangerous driving.
DD40	Dangerous driving.
DD60	Manslaughter or culpable homicide while driving a vehicle.
DD80	Causing death by dangerous driving.
DD90	Furious driving.
DR10	Driving or attempting to drive with alcohol level above limit.
DR20	Driving or attempting to drive while unfit through drink.
DR30	Driving or attempting to drive then failing to supply a specimen for analysis.
DR31	Driving or attempting to drive then refusing to give permission for analysis of 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.
DR61	Refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity in circumstances other than driving or attempting to drive.
DR70	Failing to provide specimen for breath test.
DR80	Driving or attempting to drive when unfit through drugs.
DR90	In charge of a vehicle when unfit through drugs.
IN10	Using a vehicle uninsured against third party risks.
MR09	Reckless or dangerous driving (whether or not resulting in death, injury or serious risk).
MR19	Wilful failure to carry out the obligation placed on driver after being involved in a road accident (hit or run)
MR29	Driving a vehicle while under the influence of alcohol or other substance affecting or diminishing the mental and physical abilities of a driver.
MR49	Driving a vehicle whilst disqualified.
MR59	Other conduct constituting an offence for which a driving disqualification has been imposed by the State of Offence.
UT50	Aggravated taking of a vehicle.

Operators are responsible for a fleet of vehicles and should ensure that the drivers and vehicles used are to the highest standards. Where an applicant has more than one offence of this type, then no further application would be considered until a period of three years free of conviction has elapsed.



### c. Drunkenness

A serious view will be taken of convictions of driving or being in charge of a vehicle while under the influence of alcohol. An isolated incident should not necessarily debar an applicant as an operator should not be driving a vehicle without a Private Hire Vehicle Drivers Licence.

More than one conviction for these offences gives the Council serious doubts as to the applicant's fitness to hold a licence. Operators are responsible for a fleet of vehicles and should ensure that the drivers and vehicles used are to the highest standards. Where an operator has more than one conviction of this type, at least three years should elapse before an applicant may be considered for a licence.

Table 3 shows the period that we would reasonably consider applicants to be free of conviction. The "X" in a red box, means we would normally refuse an application; the "?" in an orange box indicates a period where an application would normally be refused where there is a pattern of offending or where a person is alcohol dependant; and the "✓" in a green box indicates where we would normally grant a licence. Where a licence would normally be refused, the question should be asked as to if a licensed operator should be allowed to continue to operate a business where they must ensure the safety of the public being conveyed in licensed vehicles.

Table 3										
Convictions – Driving Offences										
Type of Offence	Date Since Conviction Received (Years or Part Thereof free of Conviction)									
	1	2	3	4	5	6	7	8	9	10
Minor Motoring Offences (Table 1)	?	?	?	✓	✓	✓	✓	✓	✓	✓
Major Motoring Offences (Table 2)	?	?	?	?	?	✓	✓	✓	✓	✓
Drunkenness	?	?	?	✓	✓	✓	✓	✓	✓	✓

### d. Drugs

An applicant with a conviction for a drug related offence should be required to show a period free of convictions/complaints before an application is entertained, or after detoxification treatment if he/she was an addict.

Where an applicant or licensed operator has been convicted of an offence or has been investigated following a complaint relating to dealing drugs, which has been upheld, then a substantial period free of convictions would normally be expected.

Table 4 shows the period that we would reasonably consider applicants to be free of conviction. The "X" in a red box, means we would normally refuse an application; the "?" in an orange box indicates a period where an application would normally be refused where there is a pattern of offending or where a



person is alcohol dependant; and the “✓” in a green box indicates where we would normally grant a licence. Where a licence would normally be refused, the question should be asked as to if a licensed operator should be allowed to continue to operate a business where they must ensure the safety of the public being conveyed in licensed vehicles.

Table 4										
Convictions - Drugs										
	Date Since Conviction Received (Years or Part Thereof free of Conviction)									
Type of Offence	1	2	3	4	5	6	7	8	9	10
Possessing Controlled Drugs	X	X	X	?	?	?	?	✓	✓	✓
Possessing Controlled Drugs with Intent to Supply	X	X	X	X	X	X	X	?	?	?
Producing Controlled Drugs	X	X	X	X	X	X	X	?	?	?
Import Drugs	X	X	X	X	X	X	X	?	?	?

e) *Indecency/Sexual Offences*

A and Private Hire Operator runs a business where vehicles and drivers are often carry unaccompanied passengers or where they return vulnerable adults and children to premises. Where an applicant or operator has been convicted or has been investigated following a complaint for a sexual offence, indecent exposure, indecent assault, or importuning, which has been upheld, then the application should be refused until they can show a substantial period free of such offences.

If more than one conviction of this kind or under circumstances where a serious crime of indecency or of a sexual nature has been committed, or where the applicant is on the Sex Offenders Register, the Sub-Committee should give serious consideration as to whether or not a licence should be granted.

Table 5 shows the period that we would reasonably consider applicants to be free of conviction. The “X” in a red box, means we would normally refuse and application; the “?” in an orange box indicates a period where an application would normally be refused where there is a pattern of offending or where a person is alcohol dependant; and the “✓” in a green box indicates where we would normally grant a licence. Where a licence would normally be refused, the question should be asked as to if a licensed operator should be allowed to continue to operate a business where they must ensure the safety of the public being conveyed in licensed vehicles.

Table 5										
Convictions - Indecency										
Type of Offence	Date Since Conviction Received (Years or Part Thereof free of Conviction)									
	1	2	3	4	5	6	7	8	9	10
Indecent Exposure	X	X	X	X	X	X	X	?	?	?
Indecent Exposure to the Annoyance of Residents	X	X	X	X	X	X	X	?	?	?
Indecent Exposure with intent to insult a female	X	X	X	X	X	X	X	X	?	?
Unlawful Sexual Intercourse	X	X	X	X	X	X	?	?	?	?
Importuning	X	X	X	X	X	X	X	?	?	✓
Gross Indecency with a Female	X	X	X	X	X	X	X	X	X	X
Gross Indecency with a Male	X	X	X	X	X	X	X	X	X	X
Indecent Assault on a Female	X	X	X	X	X	X	X	X	X	X
Indecent Assault on a Child under 16 years of age	X	X	X	X	X	X	X	X	X	X
Living Off Immoral Earnings	X	X	X	X	X	X	X	?	?	?
Prostitution	X	X	X	X	X	?	?	✓	✓	✓
Possessing or Distributing Obscene Material	X	X	X	X	X	X	X	X	?	?
Buggery	X	X	X	X	X	X	X	X	X	X
Rape	X	X	X	X	X	X	X	X	X	X
Indecent or Nuisance Telephone Calls	X	X	X	X	X	?	?	?	✓	✓
<b>Offences classified as CSE</b>	X	X	X	X	X	X	X	X	X	X

f) *Violence*

As Operators can maintain close contact with the public, a firm line should be taken with applicants or operators who have been convicted or have been investigated following a complaint for grievous bodily harm, wounding or assault, which has been upheld. At least 3 years free of such convictions should be shown before an application is entertained and even then a strict warning should be administered.

If someone has re-offended or has committed a serious offence of violence consideration should be given as to whether or not a licence should be granted.

Table 6 shows the period that we would reasonably consider applicants to be free of conviction. The "X" in a red box, means we would normally refuse and application; the "?" in an orange box indicates a period where an application would normally be refused where there is a pattern of offending or where a person is alcohol dependant; and the "✓" in a green box indicates where we would normally grant a licence. Where a licence would normally be refused, the question should be asked as to if a licensed operator should be allowed to continue to operate a business where they must ensure the safety of the public being conveyed in licensed vehicles.

Table 6										
Convictions - Violence										
Type of Offence	Date Since Conviction Received (Years or Part Thereof free of Conviction)									
	1	2	3	4	5	6	7	8	9	10
Common Assault	X	X	X	X	?	?	?	✓	✓	✓
Assault, s47	X	X	X	?	?	?	✓	✓	✓	✓
Grievous Bodily Harm, s20	X	X	X	X	X	X	?	?	?	✓
Grievous Bodily Harm, s18	X	X	X	X	X	X	?	?	?	?
Assault Police	X	X	X	X	X	X	X	?	?	✓
Affray	X	X	X	?	?	?	✓	✓	✓	✓
Riot	X	X	X	X	X	X	X	X	X	X
Murder	X	X	X	X	X	X	X	X	X	X
Manslaughter	X	X	X	X	X	X	X	X	X	X
Manslaughter or Culpable Homicide while Driving	X	X	X	X	X	X	X	X	X	X
Using Threatening, Abusive Words or Behaviour	?	?	?	?	?	✓	✓	✓	✓	✓
Battery	X	X	X	?	?	?	✓	✓	✓	✓
Breach of the Peace	?	?	?	✓	✓	✓	✓	✓	✓	✓
Drunk and Disorderly	?	?	✓	✓	✓	✓	✓	✓	✓	✓
Common Assault - Aggravated	X	X	X	?	?	✓	✓	✓	✓	✓
Obstruction	X	X	?	?	✓	✓	✓	✓	✓	✓
Robbery	X	X	X	X	X	?	?	?	✓	✓
Possess Offensive Weapon	X	X	X	?	?	?	✓	✓	✓	✓
Possess Firearm	X	X	X	X	X	?	?	✓	✓	✓
Possess Firearm with intent	X	X	X	X	X	?	?	?	?	?
Criminal Damage	X	X	X	?	?	✓	✓	✓	✓	✓
Violent Disorder	X	X	X	X	X	?	?	?	✓	✓
Resist Arrest	X	X	X	?	?	✓	✓	✓	✓	✓
Arson	X	X	X	X	X	X	X	X	X	X
<b>Offences classified as Domestic Violence</b>	X	X	X	X	X	X	X	X	?	?

#### g) Dishonesty

Private Hire Operators are expected to be persons of trust. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for a dishonest operator or driver to defraud the public or target businesses or customers when they know they are away from their premises. Overseas visitors can be confused by the change in currency and become “fair game” for an unscrupulous operator or driver. For these reasons a serious view should be taken where an applicant or licensed operator has been convicted or has been investigated following a complaint for involving dishonesty which has been upheld, and note whether there is a pattern. In general, a significant period free of conviction should be required before entertaining an application.

Table 7 shows the period that we would reasonably consider applicants to be free of conviction. The “X” in a red box, means we would normally refuse an application; the “?” in an orange box indicates a period where an application would normally be refused where there is a pattern of offending or where a person is alcohol dependant; and the “✓” in a green box indicates where we

would normally grant a licence. Where a licence would normally be refused, the question should be asked as to if a licensed operator should be allowed to continue to operate a business where they must ensure the safety of the public being conveyed in licensed vehicles.

Table 7										
Convictions - Dishonesty										
Type of Offence	Date Since Conviction Received (Years or Part Thereof free of Conviction)									
	1	2	3	4	5	6	7	8	9	10
Theft	X	X	X	?	?	?	✓	✓	✓	✓
Theft – Shoplifting	X	X	X	?	?	?	✓	✓	✓	✓
Theft – Employee	X	X	X	X	X	?	?	?	✓	✓
Theft – From Vehicle	X	X	X	?	?	?	✓	✓	✓	✓
Burglary & Theft - Dwelling	X	X	X	X	X	?	?	?	✓	✓
Burglary & Theft – Non Dwelling	X	X	X	?	?	?	✓	✓	✓	✓
Burglary & Theft – Aggravated	X	X	X	X	X	X	X	?	✓	✓
Fraudulent Use	X	X	X	X	X	?	?	?	✓	✓
Handling	X	X	X	?	?	?	✓	✓	✓	✓
Receiving	X	X	X	?	?	?	✓	✓	✓	✓
Forgery	?	?	?	?	?	?	?	?	✓	✓
Conspiracy to Defraud	X	X	X	?	?	?	✓	✓	✓	✓
Obtain Money by Deception	?	?	?	✓	✓	?	?	?	✓	✓
Obtain Money by Forged Instrument	X	X	X	X	X	?	?	?	✓	✓
Deception	X	X	X	?	?	?	✓	✓	✓	✓
False Accounting	X	X	?	?	?	?	?	✓	✓	✓
False Statement to Obtain Benefit	X	X	X	X	X	?	?	?	✓	✓
Going Equipped	X	X	X	?	?	?	✓	✓	✓	✓
Taking/Driving or Attempt to Steal Vehicle	X	X	X	?	?	?	?	✓	✓	✓
Allow to be Carried in a Stolen Vehicle	X	X	X	?	?	?	✓	✓	✓	✓
Perverting the Course of Justice	X	X	X	?	?	?	?	?	✓	✓

*h) Offences of more than one type (Driving/Drunkenness/Drugs/Indecency/Violence/Dishonesty) etc*

Where a person has committed a number of offences under the various different headings, we will consider the general pattern of non-compliance with the law as a pattern of offending rather than being of a similar type of offence. Depending on the mix and type of offences, the period clear of conviction that would be required can vary. In general, the period free of conviction should be that of the most serious offence taking into account the period of offending. The period free should go from the last offence but for the length of the most serious offence.

*i) Licensing Offences*

Driving a Hackney Carriage or Private Hire Vehicle is a privilege, one which requires the applicant to go through a number of checks and then behave

within the legal requirements of the various pieces of legislation, byelaws, conditions and codes of conduct.

Breaches to the law regulating Hackney Carriage and Private Hire Licensing can have an impact on the safety of the public and non-compliance with the requirements is a cause for concern. Depending on the type of offence, a period free of conviction should be expected before an application to renew a licence is considered. Consideration should be given to suspend or revoke a licence where licensee has been convicted of an offence or where sufficient evidence is provided at a review.

Table 9 shows the period that we would reasonably consider applicants to be free of conviction. The “X” in a red box, means we would normally refuse an application; the “?” in an orange box indicates a period where an application would normally be refused where there is a pattern of offending or where a person is alcohol dependant; and the “✓” in a green box indicates where we would normally grant a licence.

Table 9 Convictions – Licensing Offences										
Type of Offence	Date Since Conviction Received (Years or Part Thereof free of Conviction)									
	1	2	3	4	5	6	7	8	9	10
Minor Licensing	?	?	?	✓	✓	✓	✓	✓	✓	✓
Major Licensing Offences	X	X	X	?	?	✓	✓	✓	✓	✓
Unlicensed Driver, Vehicle or Operator Offences	X	X	X	X	X	?	?	✓	✓	✓
Failure to ensure the safety of a passenger	X	X	X	X	X	?	?	✓	✓	✓

## 7.0 Determination of an Application where Non-Conviction Information has been disclosed by the Police

7.1 There is no judicially approved test of fitness and propriety and, accordingly, a number of local tests have been developed. These tend to be based on a test similar to the following:

‘Would you (as a member of the licensing committee or other person charged with the ability to grant a hackney carriage and/or private hire driver’s licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?’

7.2 If the answer to this question (or a similar test) is an unqualified ‘Yes’, then the test is probably satisfied. If there are any doubts in the minds of those who make the decision, then further consideration should be given as to whether this person is a fit and proper person to hold a hackney carriage/private hire driver’s licence.



- 7.3 Mr Justice Silber made an obiter observation in the case of *Leeds City Council v Hussain*. In the context of suspension of a drivers licence “for any other reasonable cause” he said:

‘...the purpose of the power of suspension is to protect users of licensed vehicles and those who are driven by them and members of the public. Its purpose, therefore, is to prevent licenses being given to or used by those who are not suitable people taking into account their driving record, their driving experience, their sobriety, mental and physical fitness, honesty, and that they are people who would not take advantage of their employment to abuse or assault passengers.’

- 7.4 This test would support the test for fitness and propriety.

- 7.5 Where a person is barred from working with children or vulnerable adults, serious questions need to be asked as to a person’s fitness and propriety. Where such a bar is applied then the Council would normally refuse an application for a licence or revoke a vehicle drivers licence, subject to hearing and mitigating factors.

## **8.0 General**

- 8.1 It is important to stress that the above examples constitute guidance only and that each case must be decided on its own merits.

- 8.2 A person with a relevant conviction for serious crime need not be permanently barred from obtaining a licence but, generally speaking, the applicant will be expected to remain free of conviction for a period of time, depending on the type of offence and the circumstances, before a licence is determined. Consideration should be given as to whether or not the offence is isolated and whether there are mitigating circumstances.

- 8.3 The overriding consideration should be the protection of the public.

## **9.0 Action available to the Sub-Committee**

- 9.1 The options available to the Licensing (Miscellaneous) Sub-Committee are as follows:

- a) Take No Action
- b) Issue the Driver/Proprietor with a warning
- c) Endorse the Hackney Carriage/Private Hire Vehicle, Drivers and/or Operators Licence with penalty points
- d) Require a medical or CRB check at shorter intervals than specified in the Hackney Carriage and Private Hire Licensing Policy
- e) Suspend the licence
- f) Suspend the licence subject to meeting a set criteria, e.g. passing a DSA test or knowledge test
- g) Add additional conditions to the licence
- h) Revoke the licence



i) Take other action as deemed appropriate

- 9.2 The penalty points scheme as attached as Appendix G will be used to fill a gap between issuing a warning to drivers, proprietors and operators. Where a person has amassed 12 valid points then the Council will determine if an applicant is a fit and proper person or review a licence for any other reasonable cause, with a view to refusing an application or revocation/suspension of a licence.

Schedule 1 to Appendix G specifies the points to be added for each offence, for both applicants and licence holders.





**Hackney Carriage and Private Hire (Taxi)  
Driver Standards Test**

## **1.0 Driving Assessment for Hackney Carriage and Private Hire Drivers**

- 1.1 In accordance with this Policy, where a new applicant for a Hackney Carriage or Private Hire Vehicle Drivers Licence shows that they have six or more points on their DVLA driving licence, or have been banned from driving in the last three years for totting up, or five years for serious road traffic offences, that applicant will be required to undertake the Driving Assessment (Taxi Driver) Test before a licence will be issued.
- 1.2 In such cases, an applicant is required to pass a Hackney Carriage/Private Hire driving assessment before they will consider granting you a licence.
- 1.3 Assessments are carried out by North Lincolnshire Council examiners. The assessment is more demanding than the learner drivers test, and contains element that relate specifically to driving a Hackney Carriage and Private Hire Vehicle.

## **2.0 Driving assessments and general requirements for getting a Hackney Carriage or Private Hire Drivers' Licence - General requirements**

- 2.1 Before you can apply for a Hackney Carriage and/or Private Hire vehicle driver licence, you must:
  - Be able to work legally in the UK
  - Have held a full UK or EU driver's licence for at least 12 months
- 2.2 Other requirements for getting your licence include passing:
  - A Disclosure Barring Service Certificate
  - A Medical
  - A Knowledge test
- 2.3 Full details of the application process are included in **paragraph 18** of this policy.

## **3.0 How to book your taxi or private hire vehicle assessment**

- 3.1 Driver assessments are carried out by the North Lincolnshire Council test centre. To book the assessment you will need your driver number from one of the following licences:
  - A full UK or Northern Ireland photo card licence
  - A full British old style paper licence
  - A recognisable full European Union (EU) licence and UK paper counterpart
- 3.2 You can book your assessment over the phone, by contacting the examiner at the test centre on 07812 739665.

#### **4.0 What the Private Hire/Hackney Carriage driving assessment involves**

4.1 The standard of the Hackney Carriage/Private Hire driving assessment is set at a level suitable for full driving licence holders. It is more demanding than the learner test.

4.2 Before the assessment, you are advised to:

- Take lessons with a professional driving instructor
- Read the Highway Code
- Familiarise yourself with the content of the assessment

#### **5.0 The eyesight test**

5.1 At the start of your practical assessment, you will be asked to read in good daylight a vehicle registration number fixed to motor vehicle with letters and figures 79.4 millimetres high at a distance of 20.5 metres (20 metres for a new-style number plate). You can use glasses or contact lenses if you wear them.

5.2 If you fail the eyesight test, you will be unable to take the driving part of the assessment. However, you will be able to continue with the wheelchair section if appropriate.

#### **6.0 The practical assessment**

6.1 The practical assessment will last for about 35 to 40 minutes, depending on traffic. Some elements are specific to taxi driving, such as:

- A taxi manoeuvre
- The requirement to stop in a safe position as if picking up or dropping off passengers

6.2 The driving assessment will include approximately ten minutes of independent driving where you will be asked to drive without examiner guidance. You can read about independent driving and how it will be assessed.

6.3 To pass the assessment, no more than nine errors are permitted. Serious or dangerous errors will result in failure of the assessment.

6.4 You will be assessed on:

- Awareness and anticipation
- Effective planning of prevailing road and traffic conditions
- Correct use of speed
- Observation and mirror use
- Control of the vehicle
- Passenger safety and comfort

The assessment will include:

- A taxi manoeuvre where you will be asked to turn your vehicle to face to opposite direction.
- Approximately ten minutes of independent driving.
- Stops at the side of the road if a passenger is getting in or out of the vehicle.
- Related 'cabology' questions. Examples may include the dimensions of your vehicle, tyre pressures and what to do if a passenger leaves property in your vehicle.
- Questions from the Highway Code and Identification of a number of traffic signs and road markings.

6.5 Your assessment may include (if you have a wheelchair accessible vehicle):

- An emergency stop
- A wheelchair exercise (if you requested the enhanced assessment – see information below)

## **7.0 The wheelchair exercise for taxis and private hire vehicles**

7.1 If you have requested the enhanced assessment, it will include a wheelchair exercise for which you need to provide a wheelchair accessible vehicle.

7.2 You will need to demonstrate:

- The ability to safely load and unload the wheelchair in your vehicle
- That you can secure and unsecure the wheelchair using the brakes
- Fasten the seatbelts or safety harness
- Secure any wheel belts or clamps fitted to your vehicle

## **8.0 What happens at the end of the Hackney Carriage/Private Hire drivers' assessment**

8.1 When you pass your taxi assessment, you will receive:

- A copy of your assessment
- Offer of a debrief from the examiner

8.2 When you pass your wheelchair assessment, you will receive:

- A copy of your assessment
- Offer of a debrief from the examiner

8.3 If you fail the assessment, you must wait a minimum period of three clear working days before you retake. Saturday counts as a working day.



## **9.0 Fees for taking the taxi assessment**

- 9.1 You may have been asked to pass the driving assessment by the Licensing Team before you can be granted a licence. Your practical assessment fee will vary depending on the type of assessment required. Please contact the test centre for details of the fee to be charged. The contact details can be found in Appendix A.



**Appendix G**



**HACKNEY CARRIAGE AND PRIVATE HIRE  
PENALTY POINTS SCHEME**

## PENALTY POINTS SCHEME

### 1.0 The details of how the scheme will be operated are as follows:

- 1.1 The Licensing Business Support and Compliance Policy will be fully considered by an Authorised Officer when determining the manner on which any breach of legislation or the requirements of this Policy are dealt with.
- 1.2 The Penalty Points Scheme will operate without prejudice to the Licensing Authority's ability to take other action under appropriate legislation or as provided for by this policy.
- 1.3 The Penalty Points Scheme outlined in Schedule 1 identifies a number of breaches of conditions, byelaws and/or statutory provisions. It then indicates the number of points to be invoked should the breach be proven and by whom.

### 2.0 Imposition of Points

- 2.1 Where it is decided that the use of the Penalty Points Scheme is appropriate, the points will be issued in accordance with Schedule 1 to this appendix. **The issue of the penalty points is in effect a warning, with the scheme bridging the gap between doing nothing and prosecution, albeit that this warning carries a trigger for review and a time limit.**
- 2.2 The imposition of penalty points against a driver who is an employee will not necessarily result in the additional imposition of points to his/her employer or operator. However the Licensing Authority will issue penalty points to drivers, proprietors, driver/proprietors and operators for a single contravention if the circumstances warrant it, i.e. the breach is one against all these licences and it is considered joint responsibility is held.
- 2.3 Points issued to a proprietor, operator or driver will be confirmed in writing within three weeks of the completion of enquiries into the contravention or upon discovery of breach. Appeals must be made in writing within 21 days of the imposition of the penalty points.
- 2.4 Points will be imposed on licences by either Licensing Officers or by the Licensing (Miscellaneous) Sub-Committee. The imposition shall be in accordance with Schedule 1 to this Appendix.
- 2.5 There is no financial penalty associated with the Penalty Point Scheme, and the licensee may continue to work. However, the licensee may be asked to attend a hearing before the Licensing (Miscellaneous) Sub-Committee if 12 or more penalty points are

imposed on an individual licence and are still valid, where appropriate action will be taken in accordance with this policy.

### **3.0 Duration of Points**

- 3.1 When issued, the penalty points will remain “live” for the period specified in Schedule 1 to this Appendix. They will remain on the licence for consideration from the date they are imposed for the specified period indicated in Schedule 1.

### **4.0 Appeals**

- 4.1 Should a driver, operator or proprietor wish to dispute the imposition of points made by an officer, then they have the right to appeal. Appeals will be made to the Chairman or Vice Chairman of the Licensing Committee, who will be advised by the Head of Service. The member may quash or uphold the appeal as they deem appropriate in accordance with the Guidance issued to Members.
- 4.2 A decision record will be provided following such an appeal hearing, which will provide the reasons for the decision.
- 4.3 Following an appeal an information report containing the decision record shall be presented to the Licensing Committee.
- 4.4 Appeals will only be referred to the Chairman or Vice Chairman of the Licensing Committee where they can satisfy the appeal criteria detailed in **paragraph 140** of this policy.

### **5.0 Hearing before the Licensing (Miscellaneous) Sub-Committee**

- 5.1 Where a driver, proprietor or operator attains 12 or more penalty points, disciplinary options available to the Licensing Authority will include suspension or revocation of the driver's licence.
- 5.2 If it is felt that the matter does not warrant suspension or revocation of the licence, a written warning may be issued to the driver as to his future conduct.
- 5.3 Periods of suspension of a licence will be dependent on the nature of the breach of legislation or the requirements of this Policy and the compliance history of the licence holder.
- 5.4 A driver will always have the right to be represented at any meeting, either legally or otherwise, and to state any mitigating circumstances he deems necessary.
- 5.5 Any driver or vehicle proprietor or operator subject to suspension or revocation has the right of appeal to the Magistrates Court against the suspension or revocation. In most cases a suspension will be subject

to a 21 day appeal period starting on the date of the suspension notice to allow for the formal appeal process. There might be occasions where immediate suspension is required e.g. danger to the public.



## **Schedule 1 to Appendix I - Penalty Points Tariff**

### **1.1 Legislative offences and penalties:**

Two statutes principally create offences relating to hackney carriages and private hire vehicles are; i) The Town Police Clauses Act 1847; and ii) The Local Government (Miscellaneous Provisions) Act 1976. Offences may also be committed under other legislation, byelaws or conditions.

1.2 The offences are set out below under the relevant statute state the number of points and the length of time that the points will remain on the licence. Where there is an option to attach more points, Licensing Officers will only be permitted to attach the minimum number of points. Where the Licensing Officer determines that the offence is of a more serious nature, the awarding of any points or action will be determined by the Licensing (Miscellaneous) Sub-Committee, who on hearing the case may attach points between the minimum and maximum, should the case be found.

1.3 When an application or licence is determined by the Licensing (Miscellaneous) Sub-Committee the points attached to a licence will be taken into consideration. In such cases the hearing will consider all relevant information and will determine the review in accordance with the relevant legislative framework. Points attached to a licence will not be the reason for refusal, suspension or revocation.

1.4 The Licensing Authority reserves the right to take all appropriate action as is deemed necessary. The attachment of points to a licence in no way prejudices the Licensing Authority's right to prosecute an offender should it be deemed in the public interest to do so.

1.5 Offences and infringements vary in seriousness. As a general rule, minor offences or infringements will result in the attachment of between 1 and 4 points for the first offence, lasting for a year, with medium offences or infringements getting between 5 and 8 points which last for 3 years for the first offence. More serious offences or infringements will result in between 9 and 12 points being attached to the licence and they last for a period of 5 years. Where a person commits the same offence or infringement during the period where the points are attached to their licence, then further points will be attached and the time that will stay on the licence for an extended period, as will the original set of points. A list of the offences, penalty points and the relevant period that points remain on the licence are in accordance with the following tables:

<b>TOWN AND POLICE CLAUSES ACT 1847</b>					<b>Table 1</b>		
<b>List No.</b>	<b>Section and Offence</b>	<b>Penalty Points (First Offence)</b>	<b>Penalty Points (Subsequent Offence)</b>	<b>Period Points Remain on the Licence (Months)</b>	<b>Operator</b>	<b>Proprietor</b>	<b>Driver</b>
1	S40 - Giving false information on a hackney carriage licence application.	4	6	24/36		✓	✓
2	S44 - Failure to notify change of address on a hackney carriage licence.	2	3	12/18		✓	✓
3	S45 - Plying for hire without a hackney carriage licence.	12	12	60			✓
4	S47 - Driving a hackney carriage without a hackney carriage driver's licence.	12	12	60			✓
5	S47 - Lending or parting with a hackney carriage driver's licence.	8	12	36/60			✓
6	S47 - Hackney carriage proprietor permitting or employing an unlicensed driver to drive a hackney carriage vehicle.	12	12	60		✓	✓
7	S48 - Failure of a proprietor to retain in his/her possession copies of any hackney carriage driver's licence that permits them to drive their vehicle.	2	3	12/18		✓	
8	S48 - Failure of a proprietor to produce on request by an authorised officer any hackney carriage driver's licence for whom he has permitted to drive his/her vehicle.	2	3	12/18		✓	
9	S52 - Failure to display a hackney carriage plate.	4	6	24/36			✓
10	S53 - Refusal to take a fare without a reasonable excuse.	6	9	36/48			✓
11	S54 - Charging more than the agreed fare.	6	9	36/48			✓
12	S55 - Obtaining more than the legal fare (including failure to refund).	6	9	36/48			✓
13	S56 - Travelling less than the lawful distance for an agreed fare.	6	9	36/48			✓
14	S57 - Failure to wait after a deposit to wait has been paid.	6	9	36/48			✓
15	S58 - Charging more than the legal fare.	6	9	36/48			✓
16	S59 - Carrying persons other than with the consent of the hirer.	6	9	36/48			✓
17	S60 - Driving a hackney carriage without the proprietor's consent.	12	12	60			✓
18	S60 - Allowing a person to drive a hackney carriage without the proprietor's consent.	12	12	60			✓
19	S62 - Driver leaving a hackney carriage unattended.	2	3	12/18			✓
20	S64 - Hackney carriage driver obstructing other hackney carriages.	3	5	12/18			✓
21	S68 – Breach of Byelaws	4	6	18/24		✓	✓
21A	S68 – Breach of Byelaws (Failure to wear ID Badge)	3	6	12/24			✓
21B							

Table 2

**Local Government (Miscellaneous Provisions) Act 1976**

List No.	Section and Offence	Penalty Points (First Offence)	Penalty Points (Subsequent Offence)	Period Points Remain on the Licence	Operator	Proprietor	Driver
22	S46(1)(a) - A licensed driver using an unlicensed vehicle for private hire purposes.	12	12	60			✓
23	S46(1)(b) - Driving a private hire vehicle without a private hire driver's licence.	12	12	60			✓
24	S46(1)(c) - Proprietor of a private hire vehicle permitting or employing an unlicensed driver to drive a private hire vehicle.	12	12	60		✓	
25	S46(1)(d) - Operating a private hire vehicle without a private hire operators' licence.	8	12	48/60	✓		
26	S46(1)(e) - Operating an unlicensed vehicle as a private hire vehicle.	12	12	60	✓	✓	✓
27	S46(1)(e) - Operating a private hire vehicle when the driver is not licensed as a private hire driver.	12	12	60	✓	✓	✓
27A	S47 – Breach of hackney carriage vehicle licence conditions where the breach is not covered elsewhere	4	6	18/36		✓	✓
28	S48(6) - Failure to display a private hire vehicle plate.	4	6	24/36		✓	✓
28A	S48 – Breach of private hire vehicle licence conditions where the breach is not covered elsewhere	4	6	18/36		✓	✓
29	S49 - Failure to notify the transfer of a vehicle licence.	3	6	12/24		✓	
30	S50(1) - Failure to present a hackney carriage or private hire vehicle for inspection upon request.	4	6	18/36		✓	
31	S50(2) - Failure to inform the Licensing Authority where a hackney carriage or private hire vehicle is stored, if requested.	3	6	12/24		✓	
32	S50(3) - Failure to report an accident to the Licensing Authority within seventy two hours.	6	10	36/48		✓	✓
33	S50(4) - Failure to produce the vehicle and/or insurance upon request.	6	10	36/48		✓	✓
33A	S51 – Breach of private hire drivers licence conditions where the breach is not covered elsewhere	4	6	18/36			✓
34	S53(3) - Failure to produce a driver's licence upon request.	6	10	36/48			✓
35	S54(2) - Failure to wear a private hire driver's badge.	3	6	12/24			✓
35A	S55 – Breach of private hire operator's licence conditions where the breach is not covered elsewhere	4	6	18/36	✓		
36	S56(2) - Failure of a private hire operator to keep proper records of all bookings, or failure to produce them upon request of an authorised officer of the Licensing	5	8	36/48	✓		

	Authority or a police officer within reasonable time / or time specified.						
37	S56(3) - Failure of a private hire operator to keep proper records of all private hire vehicle licenses and driver licenses, or failure to produce them on request of an authorised officer of the Licensing Authority or a police officer within reasonable time / or time specified.	5	8	36/48	✓		
38	S56(4) - Failure of a private hire operator to produce his licence upon request.	2	3	12/18	✓		
39	S57 - Making a false statement or withholding information to obtain a hackney carriage/private hire driver's licence.	12	12	60			✓
40	S58(2) - Failure to return a plate after notice has been given following expiry, revocation, or suspension of a hackney carriage or private hire vehicle licence.	5	8	36/48		✓	
41	S61(2) - Failure to surrender a driver's licence or badge on or after suspension, revocation, or refusal to renew.	5	8	36/48			✓
42	S64 - Permitting a private hire vehicle to wait on a hackney carriage rank.	8	12	48/60			✓
43	S66 - Hackney Carriage charging more than the meter fare for a journey ending outside the District, without prior agreement.	6	9	36/48			✓
44	S67 - Hackney Carriage charging more than the meter fare when a hackney carriage is used as a private hire vehicle.	6	9	36/48			✓
45	S69 - Unnecessarily prolonging a journey.	6	9	36/48			✓
46	S71 - Interfering with a private hire taxi-meter with intent to mislead.	12	12	60		✓	✓
46A	S71(1) – Using a PHV with a meter that hasn't been tested by the Licensing Authority	5	8	36/48		✓	✓
47	S73(1)(a) - Obstruction of an authorised officer of the Licensing Authority or a police officer.	6	9	36/48	✓	✓	✓
48	S73(1)(b) - Failure to comply with a requirement of an authorised officer of the Licensing Authority or a police officer.	3	6	12/24	✓	✓	✓
49	S73(1)(c) - Failure to give information or assistance to an authorised officer of the Licensing Authority or police officer.	3	6	12/24	✓	✓	✓

Table 3

**LICENSING AUTHORITY POLICY**

List No.	Section and Offence	Penalty Points (First Offence)	Penalty Points (Subsequent Offence)	Period Points Remain on the Licence	Operator	Proprietor	Driver
50	Failure to ensure the safety of passengers.	12	12	60	✓	✓	✓
51	Concealing or defacing a vehicle licence plate.	6	9	36/48	✓	✓	✓
52	Failure to attend on time for a pre-arranged appointment at the request of the Licensing Authority for interview without reasonable cause.	2	3	12/18	✓	✓	✓
53	Conveying a greater number of passengers than permitted.	6	9	36/48			✓
54	Failure to give reasonable assistance with passenger's luggage.	3	6	12/24			✓
55	Private hire soliciting for hire or accepting a fare that is not pre-booked.	9	12	48/60			✓
56	Operating/using a vehicle that is not clean and tidy internally or externally.	2	3	12/18		✓	✓
57	Operating/using a vehicle that is not in a safe condition internally or externally.	9	12	48/60		✓	✓
58	Driving without the consent of the proprietor.	12	12	60			✓
59	Drinking or eating in the vehicle whilst carrying passengers.	3	5	12/24			✓
60	Smoking in the vehicle at any time.	6	9	36/48			✓
60A	Using an e-cigarette in a licensed vehicle	3	5	12/24			✓
61	Causing excessive noise from any radio or sound-reproducing equipment.	2	3	12/18			✓
62	Sounding the horn to signal that the vehicle has arrived. disturbing residents	2	3	12/18			✓
63	Allowing a private hire vehicle to stand in such a position as to suggest that it is plying for hire or using a hackney carriage stand.	9	12	48/60			✓
64	Allowing a hackney carriage vehicle to stand in a position, not being a hackney carriage stand, to suggest that is plying for hire.	2	4	12/24			✓
64A	Parking a Hackney Carriage Vehicle or Private Hire Vehicle illegally so as to cause an obstruction to other road users.	4	6	24/36			✓
64B	Allowing a hackney carriage vehicle to stand in a position on double yellow lines, not being a hackney carriage stand, to suggest that is plying for hire.	4	6	24/36			✓
65	Using a non-hands free mobile telephone whilst engine running.	4*	6	24/36			✓
65A	Using a non-hands free mobile telephone whilst driving.	9	12	48/60			✓
66	Failure to advise of a relevant medical condition.	12	12	60			✓
67	Failure to provide a receipt for a fare when requested.	2	4	12/24			✓



68	Failure to operate the meter from the commencement of the journey and /or charging more than the fixed charge for hire of a hackney carriage.	6	9	36/48			✓
69	Failure to notify the Licensing Authority of relevant change to licence details within the time specified in the associated licence conditions.	2	3	12/18	✓	✓	✓
70	Failure to produce a hackney carriage or private hire licence upon request.	2	3	12/18	✓	✓	✓
71	Failure to show a private hire driver's licence to the private hire operator at the commencement of employment.	2	3	12/18			✓
72	Failure of a private hire operator to request and keep a copy all driver's licence in his employ at the beginning of employment.	2	4	12/18	✓		
73	Failure of a licence holder to disclose convictions within seven days of conviction.	6	9	36/48	✓	✓	✓
74	Carrying any animal other than a guide, hearing or other prescribed assistance dog or those owned by bone-fide fare paying passengers.	2	4	12/24			✓
75	Failure to search a vehicle after a journey or failure to take found property to the police within forty eight hours of finding.	3	6	18/36			✓
76	Failure to report an accident within seventy two hours.	6	9	36/48			✓
77	Failure to comply with requirements for the safe carrying of a wheelchair	9	12	48/60		✓	✓
78	Operating a vehicle that does not comply with the Licensing Authority's licensing policy or relevant legislation where such a breach of policy/legislation is not otherwise specified herein.	6	9	36/48	✓	✓	✓
79	A Private Hire driver using a Hackney Carriage vehicle without a Hackney Carriage driver licence.	12	12	60			✓
80	Failure to carry an approved fire extinguisher.	2	3	12/18		✓	✓
81	Modifying a licensed vehicle without the consent of the Licensing Authority (Cosmetic)	3	5	24/36		✓	✓
81A	Modifying a licensed vehicle without the consent of the Licensing Authority (Safety/Mechanical)	6	9	36/48			
82	Failure to display or maintain external plates as issued by the Licensing Authority or displaying them incorrectly e.g. in the window of a vehicle.	4	6	30/42		✓	✓
83	Affixing or displaying a roof sign on a private hire vehicle or failure to affix a roof sign to a Hackney Carriage Vehicle.	4	6	30/42		✓	✓
84	Displaying a sign or advertisement on a licensed vehicle that does not satisfy the policy requirements or has not been approved by the Licensing Authority.	4	6	30/42		✓	✓
85	Using a taxi-meter that does not conform to Licensing Authority requirements.	6	9	36/48	✓	✓	✓
86	Driving with no insurance or inadequate	12	12	60		✓	✓



	insurance for the vehicle.						
87	Permitting the vehicle to be used for any illegal or immoral purposes.	12	12	60	✓	✓	✓
88	Failure of a private hire operator to ensure that office staff act in a civil and courteous manner at all times.	2	4	12/24	✓		
89	Failure of a private hire operator to keep the operating premises in accordance with Licensing Authority requirements.	3	5	12/24	✓		
90	Failure of a private hire operator to ensure that all vehicles operated by him are adequately insured.	12	12	60	✓		
91	Failure of a private hire operator to obtain public liability insurance for the operating premises if the public are allowed access.	6	9	36/48	✓		
92	Driving or allowing a hackney carriage vehicle to be driven with tinted windows which do not conform to licence conditions.	2	4	12/24		✓	✓
93	Driving or allowing a hackney carriage or private hire vehicle to be driven without displaying the door signs or attaching the signs other than in accordance with the Councils Policy.	2	3	12/24		✓	✓
94	Failing to display the licence number on the vehicles top sign.	2	3	12/24		✓	
95	Allowing a hackney carriage vehicle to be driven with a top sign that is in breach of the licence conditions.	2	3	12/24		✓	
96	Failure to produce a DBS Certificate within 10 working days of the date of issue	2	3	12/18			✓
97	Breach of Code of Conduct (Minor)	3	5	18/36	✓	✓	✓
98	Breach of Code of Conduct (Serious)	8	12	48/60	✓	✓	✓
99	Breach of Dress Code	3	5	18/36			✓

Any subsequent amendments to the legislation will supersede the tables below and this appendix may be amended to reflect the revised legislation by way of an addendum to this policy.

**Where a breach is proven that is a combination of any of the above offences, the option to allocate points for each of the offences can be utilised by any authorised Licensing Officer or the Licensing (Miscellaneous) Sub-Committee.**

## APPENDIX H

### Code of Conduct

The purpose of this code of conduct is to set a standard of behaviour that provides a positive image of the hackney carriage and private hire trade in North Lincolnshire, to enhance a professional image of licensed drivers and ensure that public and driver safety is not compromised. This code of conduct does not constitute a condition attached to a licence.

The sort of behaviour that drivers should avoid, include:

- To be developed in consultation with the Hackney Carriage and Private Hire Trade

## APPENDIX I

### Drivers Dress Code

The purpose of a driver's dress code is to seek a standard of dress that provides a positive image of the hackney carriage and private hire trade in North Lincolnshire, to enhance a professional image of licensed drivers and ensure that public and driver safety is not compromised.

- Footwear (shoes/trainers/sandals) for all drivers shall fit around the heel of the foot – no flip flops
- Clothing shall be kept in a clean condition, free from holes and rips
- Words or graphics on any clothing shall not be of an offensive or suggestive nature which might offend
- Tops must cover the midriff and shoulders
- Trousers shall be full length, while shorts shall be knee length
- No headwear, other than for religious purposes, or other items which cover the head or face shall be worn, other than when a uniform is worn for a special occasion.
- Offensive tattoo's must be covered, either by clothing or band aid
- Sportswear, e.g. football/rugby kits, track suits and beach wear shall not be worn, other than sports tops, which can be worn during significant sporting occasions, e.g. World Cup/Six Nations Rugby
- Skirts shall be no shorter than knee length



## **PRIVATE HIRE VEHICLE DRIVERS LICENCE CONDITIONS**

**Conditions attached to**

**Licence No:**

**Expiry Date:**



## **1.0 LICENCE CONDITIONS**

- 1.1 Any requirement of legislation, which affect the operations being carried out under the terms of this licence, shall be regarded as if they are conditions of this licence.
- 1.2 Wherever there appears in the Licence Conditions a summary of any statutory provision you are advised that such summary is not exhaustive.

## **2.0 CONDUCT OF DRIVER**

The driver shall:

- 2.1 Ensure that any private hire vehicle to be driven by him/her is in a roadworthy condition and thoroughly cleansed before the commencement of his/her journey;
- 2.2 The driver shall ensure before commencing any journey that the vehicle is appropriately licensed, plated and insured as a private hire vehicle;
- 2.3 Afford all reasonable assistance with passenger's luggage;
- 2.4 At all times be clean and respectable in his/her dress and person and behave in a civil and orderly manner; and
- 2.5 The driver must notify the proprietor of the vehicle, of any defects or damage however minor at the end of their shift.

## **3.0 PASSENGERS**

The driver shall not:

- 3.1 Convey or permit to be conveyed in a private hire vehicle a greater number of persons than prescribed in the licence for the vehicle;
- 3.2 Allow there to be conveyed in the front of a private hire vehicle any child below the age of twelve years, unless with suitable restraint;
- 3.3 Allow passengers to be conveyed within the vehicle without suitable restraint.
- 3.4 All drivers should comply with the laws and regulations relating to child restraints and booster seats (for further information visit [www.thinkroadsafety.gov.uk](http://www.thinkroadsafety.gov.uk))
- 3.5 Allow wheelchair passengers to be conveyed without appropriate restraints, and drivers must be adequately trained to secure such passengers.



- 3.6 Without the consent of the hirer of a vehicle, permit to be conveyed any other person in that vehicle.

#### **4.0 LOST PROPERTY**

- 4.1 The driver shall immediately after the termination of any hiring of a private hire vehicle, or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left there.
- 4.2 If any property accidentally left in a private hire vehicle by any person who may have been conveyed therein is found by or handed to the driver, he shall take it as soon as possible and in any event, within 24 hours if not sooner claimed by or on behalf of its owner, to his/her operating centre or police station and inform the North Lincolnshire Council Licensing Division of such action.

#### **5.0 ANIMALS**

- 5.1 The driver shall not convey in a private hire vehicle any animal belonging to or in the custody of himself/herself or the proprietor or operator of the vehicle.
- 5.2 Any animal belonging to or in the custody of any passengers, which at the driver's discretion may be conveyed in a private hire vehicle, shall only be conveyed in the rear of the vehicle.
- 5.3 A driver of a licensed Private Hire Vehicle, which has been hired:
- (a) by or for a disabled person with their guide, hearing or prescribed assistance dog; or
  - (b) by a person who wishes such a disabled person to accompany him in the vehicle
- will have a duty to :
- (a) carry the disabled passenger's dog and allow it to remain with the passenger; and
  - (b) not make any additional charge for doing so.
- 5.4 An assistance dog is defined by regulations as a dog which is trained by a specified charity i.e. "Dogs for the Disabled", "Support Dogs" or "Canine Partners for Independence", to assist a disabled person with a physical impairment, and which at the time that its owner hires a taxi is wearing a yellow jacket inscribed with the name of one of those charities.

5.5 The driver shall only be exempt from this condition on medical grounds and the driver has obtained an exemption notice from North Lincolnshire Council. The notice of exemption shall be exhibited by either;

(a) laying it in a prominent position on the dashboard facing upwards, or

(b) affixing it to the windscreen of the vehicle, facing outwards.

## **6.0 PROMPT ATTENDANCE**

6.1 The driver of a private hire vehicle shall, if he/she is aware that the vehicle has been hired to be in attendance at an appointed time and place or has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at that appointed time and place, unless delayed or prevented by sufficient cause.

## **7.0 DEPOSIT OF LICENCE**

7.1 If the driver is permitted or employed to drive a private hire vehicle by an operator he shall, before commencing to drive that vehicle, deposit his/her private hire driver's licence with that operator for retention by him/her until such time as the driver ceases to be permitted or employed to drive for that operator where it should then be returned.

## **8.0 TAXIMETER**

8.1 If a private hire vehicle is fitted with a taximeter then the driver shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare.

8.2 Private hire vehicles fitted with a taximeter may not operate unless the meter is in working condition and has been checked by an authorised Officer of the Council.

## **9.0 FARE TO BE DEMANDED**

9.1 The driver shall not demand from any hirer of a private hire vehicle a fare in excess of any previously agreed to the hiring between the hirer and the operator or, if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter.

## **10.0 CHANGE OF ADDRESS/TELEPHONE NUMBER**

- 10.1 The driver shall notify the Council in writing of any change of his/her address and /or telephone number within 7 days of such change.

## **11.0 CONVICTIONS / OFFENCES**

- 11.1 The driver shall, immediately, disclose to the Council in writing, details of any conviction imposed on him/her during the period of the licence, motoring or criminal. (Includes any fixed penalties and cautions, endorsable or not)

## **12.0 DRIVERS BADGES**

- 12.1 The Driver's badge must be worn on the driver's person in a position where it may be seen at all times. The driver shall, upon the expiry (without immediate renewal), revocation or suspension of this licence, forthwith return to the Council the Driver's badge issued to him/her by the Council. The badge remains the property of the Council at all times.

## **13.0 ILLNESS OR INJURY**

- 13.1 The driver shall notify the Council in writing, as soon as possible and in any event within 21 days of any illness or injury affecting his/her fitness to drive in any way, unless the said period of illness is for a period of less than 21 days and the driver does not intend to drive during this period.

## **14.0 GENERAL LICENCE CONDITIONS**

- 14.1 If you are aggrieved by any of the conditions attached to the licence you may appeal to a Magistrates Court within 21 days of the service of the licence and attached conditions on you. (See Section 52 and 77 of the 1976 Act and Section 300 of the Public Health Act 1936).
- 14.2 All drivers shall operate strictly within the terms of any licence issued under the incorporating terms and conditions of The Local Government (Miscellaneous Provisions) Act 1976.



**HACKNEY CARRIAGE VEHICLE LICENCE**  
**CONDITIONS**

**Licence No:**

**Expiry Date:**



## **1.0 LICENCE CONDITIONS**

- 1.1 Any requirement of legislation which affects the operations being carried out under the terms of this licence shall be regarded as if it was a condition of this licence.
- 1.2 Wherever a summary of any statutory provision appears in these licence conditions you are advised that such summary is not exhaustive.
- 1.3 In these conditions, references to “the Council” means North Lincolnshire Council.

## **2.0 MAINTENANCE OF VEHICLE AND SAFETY EQUIPMENT**

- 2.1 The proprietor of the vehicle shall:
  - 2.1.1 Provide sufficient means by which any person in the vehicle may communicate with the driver;
  - 2.1.2 Cause the vehicle to be kept watertight;
  - 2.1.3 Provide adequate windows and the means of opening and closing them;
  - 2.1.4 Cause the seats to be properly cushioned, covered and in good repair;
  - 2.1.5 Cause the floor in a carpeted vehicle to be provided with a proper carpet and correctly fitted rubber or carpet mats all in good condition, so not to cause a trip hazard in accordance with 2.2 below;
  - 2.1.6 Cause the fittings and furniture generally to be kept in a clean condition and well maintained;
  - 2.1.7 Provide a fire extinguisher which meets the requirements laid down in the Hackney Carriage Byelaws and European Standard EN3, being either a 0.9kg dry powder or up to a 1kg powder with gauge or a 1lt AFFF with gauge, in accordance with the requirements of 2.3 below;
  - 2.1.8 Ensure that the vehicle, its fittings and equipment are maintained in an efficient, safe, tidy and clean condition at all times when it is in use or available for hire and that all relevant statutory requirements (including those contained in the Motor Vehicles (Construction and use) Regulations) are fully complied with; and
  - 2.1.9 Ensure that no material alterations or changes are made to the specification, design, condition or appearance of the vehicle whilst the licence is in force without the prior approval of the Council.
- 2.2 Not more than one carpet or rubber mat shall be fitted per foot well. The floor in a minibus style vehicle should be in good condition, clean and free from holes (except for wheelchair fixtures).

- 2.3 Vehicles authorised to carry more than 4 passengers may carry up to a 2kg powder or a 2ltr AFFF with gauge, as per guidance from the Humberside Fire and Rescue Service. The fire extinguisher shall either be secured to the vehicle or located within the vehicle glove compartment or boot with a label affixed to the outside of the glove compartment/ boot indicating that the fire extinguisher is contained within. The fire extinguisher shall be clearly marked with the plate number of the vehicle by an authorised officer of the Council.
- 2.4 All vehicles must be fitted with rear seat belts.
- 2.5 Radio scanners must not be carried or used in a Hackney Carriage by any person.
- 2.6 The vehicle shall be fitted with a standard roof sign bearing either the word "TAXI", "CAB", "FOR HIRE" or the name and/or landline telephone number of the business concerned when within the area of North Lincolnshire.

### **3.0 IDENTIFICATION PLATE**

- 3.1 The external identification plate issued by the Council shall be securely fixed to the rear of the vehicle to the satisfaction of the Council (the licence plate shall not be tied to the rear of the vehicle). The plate shall be permanently fixed to the external offside rear lower part of the vehicle in such a position as to be clearly visible from the rear of the vehicle, or adjacent to the vehicle's rear registration plate, where a bracket behind the registration number plate is used.
- 3.2 The external identification plate shall be maintained in a clean condition and shall not be wilfully or negligently concealed from public view.
- 3.3 The external and internal identification plates are the property of the Council and must be returned to the Council Offices on expiry of the licence, or if the vehicle is sold out of the trade, or for any other reason that prevents the vehicle from being used as a Hackney Carriage.
- 3.4 If the external identification plate is STOLEN or LOST the fact must be reported to the Humberside Police and the Licensing Division of North Lincolnshire Council as soon as the loss is discovered or shortly thereafter.
- 3.5 If either the internal identification plate is STOLEN or LOST the fact must be reported to the Licensing Division of North Lincolnshire Council as soon as the loss is discovered or shortly thereafter.



#### **4.0 VEHICLE / WHEELCHAIR ACCESS**

- 4.1 The Hackney Carriage shall be a saloon, hatchback or estate car. London type cabs or people carrier type vehicles (i.e. those vehicles which are capable of carrying more than 4 passengers) shall be fitted and adapted to enable passengers in wheelchairs to travel inside the vehicle. All vehicles shall be of a suitable type and design for use as a Hackney Carriage and shall at all times be maintained in a safe, clean and comfortable condition.
- 4.2 The vehicle shall have an engine capacity of not less than 1250cc, and a minimum passenger seating capacity of four seats but not more than eight seats. The minimum width of the rear seat must not be less than 122cm (48 inches).
- 4.3 No Hackney Carriage licensed by the Council shall be left unattended on any public road, street or at any place of public resort or entertainment.
- 4.4 Wheelchair anchorage and restraints must be approved, adapted for various sized wheelchairs and have separate restraints (seat belts) for the passenger and must be securely stowed away when not in use.
- 4.5 No part of the webbing/straps should be frayed.
- 4.6 Ramp(s) for the loading/unloading of a wheelchair and occupant must be available at all times. The ramp must be capable of being stowed safely when not in use and must not obstruct exiting the vehicle.
- 4.7 The passenger windows on the vehicle shall allow at least 70% light through.
- 4.8 Any equipment, must be stowed away in a safe and secure position, unless it is being used during the journey.
- 4.9 All lifts and strapping are required to have the manufacturers guidance available.

#### **5.0 INTERIOR PLATE AND TARIFFS**

- 5.1 The proprietor and driver of any Hackney Carriage Vehicle shall display or cause to be displayed within the vehicle any internal plate and Tariff of Fares provided and issued by the Council in such a position that it is visible at all times to persons conveyed therein.
- 5.2 A copy of the Council byelaws relating to Hackney Carriages shall be carried on the vehicle and be made available for inspection by any passenger or authorised officer of the Council.

## **6.0 SIGNS AND NOTICES, ETC.**

- 6.1 No sign, notice, advertisement, plate, mark, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from any Hackney Carriage licensed by the Council except as may be required by any law or provision of these conditions or as otherwise authorised by the Council.
- 6.2 Condition 6.1 shall not prevent the display of the trading name of the operator, together with his/her landline telephone number, on the front side doors of the vehicle if it is a saloon, hatchback, estate car or London type cab, or any approved advertising. If the vehicle is a people carrier, mini-bus or other non-saloon type vehicle, the name and telephone number may be displayed on the rear doors, bonnet and the front side doors of the vehicle.
- 6.3 The proprietor shall affix the door signs as supplied by the council on the front doors of the vehicle. Such signs shall be securely fixed directly to the vehicle so as not to be easily removed from the vehicle.
- 6.4 The proprietor shall affix and maintain in a conspicuous position in the vehicle any sign or notice relating to Hackney Carriages which the Council may in its discretion require from time to time.
- 6.5 The following signs and/or membership badges may be displayed in or from any Hackney Carriage licensed by North Lincolnshire Council:
- 6.5.1 Any badge or sign which indicates membership of any motoring or vehicle rescue organisation
  - 6.5.2 No smoking signs
  - 6.5.3 Signs which indicate the location of the Fire Extinguisher
  - 6.5.4 A sign notifying the use of CCTV where it is in operation.
  - 6.5.5 A "GB" sign displayed on the rear near side of the vehicle.

## **7.0 CHANGE OF ADDRESS**

- 7.1 The proprietor of any Hackney Carriage licensed by the Council shall notify the Council in writing of any change of his/her address and/or telephone number during the period of the licence. The notice of change of address or telephone number should be within 7 days of such change.

## **8.0 CONVICTIONS**

- 8.1 The proprietor (or Director of a company, or a Partner) of any Hackney Carriage licensed by the Council shall immediately disclose to the Council, in writing, details of any conviction imposed on him or her during the period of the licence.

## **9.0 TAXIMETER**

- 9.1 Any Hackney Carriage being licensed as such for the first time must be fitted with a taximeter approved by the Public Carriage Office or complying with the EEC directive 77/95/EEC in that they bear the EEC patent approval sign or the EEC partial initial verification mark And shall be calendar controlled so as to be tamper proof.
- 9.2 The taximeter must not be operated unless it is in working condition and has been checked by an authorised Officer of the Council.

## **10.0 MECHANICAL FITNESS**

- 10.1 Prior to issue of a licence all vehicles must be mechanically inspected at the Council's appointed garage to the required Testing Standard, which can be found in the Hackney Carriage and Private hire Testing and Inspection Manual. The vehicle shall be submitted for inspection and test on initial application for a vehicle licence and presented annually for renewal of that licence thereafter whilst the vehicle is being operated as a Hackney Carriage.
- 10.2 If a vehicle is less than 5 years old on the date of testing, a licence shall be granted for no more than one year.
- 10.3 In the case of any vehicle more than 5 years old, the licence will be granted for a period of not more than 6 months. If a vehicle is more than 8 years old, the licence will be granted for a period of not more than 4 months.

## **11.0 VEHICLE APPEARANCE**

- 11.1 In addition to a mechanical inspection, all vehicles must meet the standard laid down in the Testing Standards for appearance, comfort and cleanliness.
- 11.2 The boot must be kept clear for the carrying of passengers' luggage with certain exceptions (spare wheel and jack).
- 11.3 The external and internal glazing to the front driver, passenger windows and windscreen shall not hinder or restrict vision through the glazing in any way. The windscreen must allow at least 75% visibility and the remainder of the glazing must allow at least 70% visibility, save where any tinted glass has been fitted at the time of manufacture.

## **12.0 VEHICLE DAMAGE**

- 12.1 Any vehicle involved in an accident causing damage which materially affects the safety, performance or appearance of the vehicle, or the comfort or convenience of persons carried therein, must be presented

for inspection to the appointed officer of the Council. An accident report form must be submitted as soon as possible after such accident, and in any case within 72 hours. The vehicle may not continue to operate without the prior approval of the Council's appointed officer.

### **13.0 STOWAGE OF LUGGAGE**

- 13.1 Luggage must be stowed safely and in such a manner so that it cannot move around inside the vehicle. Gangways must not be blocked or in any way impede an emergency evacuation of the vehicle.

### **14.0 GENERAL LICENCE CONDITIONS**

- 14.1 An authorised officer of the Council or any Police Officer shall have power at all reasonable times to inspect and test any Hackney Carriage licensed by the Council for the purpose of ascertaining its fitness. A vehicle licence may be suspended if the officer is not satisfied with the fitness of the licensed vehicle.
- 14.2 The driver of a licensed Hackney Carriage shall stop the vehicle at the request of a Police officer, whether or not passengers are being carried. The driver shall then permit the Police officer or authorised officer of the Council to check the vehicle to ensure that all the requirements of the Council and relevant legislation have been complied with. The driver shall not proceed until the authorised officer or police officer has given his approval.
- 14.3 Any person aggrieved by a decision made during the inspection made by the Licensing Officer may appeal in writing to the Licensing Manager or Licensing and Mediation Officer. This does not affect the statutory rights regarding appeals.
- 14.4 Any person aggrieved by any of the conditions attached to this licence may appeal to a Magistrates Court within 21 days of receipt of the licence and attached conditions (see Section 77 of the Local Government (Miscellaneous Provisions) Act 1976 and Section 300 of the Public Health Act 1936).

**Appendix L**



**PRIVATE HIRE VEHICLE LICENCE  
CONDITIONS**

Conditions attached to

**Licence number:**

**Expiry date:**



## **1.0 LICENCE CONDITIONS**

- 1.1 Any requirement of legislation which affects the operations being carried out under the terms of this licence shall be regarded as if it was a condition of this licence.
- 1.2 Whenever a summary of a statutory provision appears in these licence conditions you are advised that such summary is not exhaustive.
- 1.3 In these conditions, references to “the Council” means North Lincolnshire Council

## **2.0 MAINTENANCE OF VEHICLE AND SAFETY EQUIPMENT**

- 2.1 The proprietor of the vehicle shall:
  - 2.1.1 Provide sufficient means by which any person in the vehicle may communicate with the driver;
  - 2.1.2 Provide adequate windows and the means of opening and closing them;
  - 2.1.3 Cause the roof or covering to be kept watertight;
  - 2.1.4 Cause the seats to be properly cushioned and covered;
  - 2.1.5 Cause the floor to be provided with a proper carpet and the correct size rubber mats;
  - 2.1.6 Cause the fittings and furniture generally to be kept in a clean condition and well maintained;
  - 2.1.7 Provide a fire extinguisher which meets the requirements of the new European Standard EN3, being a minimum of 0.9 /1kg powder with gauge or a 0.9 / 1lt AFFF with gauge, in accordance with the requirements of paragraph 2.2;
  - 2.1.8 Ensure that the vehicle, its fittings and equipment are maintained in an efficient, safe, tidy and clean condition at all times when the vehicle is in use or available for hire and that all relevant statutory requirements (including those contained in the Motor Vehicle (Construction and Use) Regulations) are fully complied with;
  - 2.1.9 Ensure that no material alterations or changes are made to the specification, design, condition or appearance of the vehicle whilst the licence is in force without the prior approval of the Council; and
- 2.2 The fire extinguisher shall either be secured to the vehicle or located within the vehicle glove compartment or boot with a label affixed to the outside of the glove compartment/boot indicating that the fire



extinguisher is contained within. The fire extinguisher shall be clearly marked with the plate number of the vehicle by an authorised officer of the Council.

- 2.3 All vehicles with rear seat anchorage points must be fitted with rear seat belts.
- 2.4 Radio scanners must not be carried or used in a Private Hire Vehicle by any person.
- 2.5 The proprietor of the vehicle shall produce, the Vehicle Registration Document, Private Hire Vehicle Licence and Vehicle Exemption Certificate when required to do so by the Police, an authorised officer of the Council or any other person authorised to demand such documents.

### **3.0 IDENTIFICATION PLATE**

- 3.1 The external identification plate issued by the Council shall be securely fixed to the vehicle to the satisfaction of the Council (the licence plate shall not be tied to the rear of the vehicle). The plate shall be fixed to the external offside rear lower part of the vehicle in such a position as to be clearly visible from the rear of the vehicle or, adjacent to the vehicle's rear registration plate where a bracket behind the registration number plate is used.
- 3.2 The external identification plate shall be maintained in a clean condition and shall not be wilfully or negligently concealed from public view.
- 3.3 The external and internal identification plates are the property of the Council and must be returned to the Council on expiry of the licence, or if the vehicle is sold out of the trade, or for any other reason that prevents the vehicle from being used as a private hire vehicle.
- 3.4 If the external and or the internal identification plate is STOLEN or LOST the fact must be reported to the Humberside Police and the Council's Licensing Division as soon as the loss is discovered.

### **4.0 VEHICLE**

- 4.1 The vehicle shall be of suitable size, type and design for use as a private hire vehicle (not a London type cab), and shall be maintained in a safe and comfortable condition.
- 4.2 If the vehicle is either a mini-bus type or a people carrier and capable of carrying between five and eight passengers there shall be at least two exit points from the vehicle, one of which must be available for both access and egress.

## **5.0 INTERIOR MARKINGS**

- 5.1 The proprietor of the private hire vehicle shall display or cause to be displayed within the vehicle any internal plate or other device provided and issued by the Council in such a position that it is visible at all times to persons conveyed therein.

## **6.0 SIGNS AND NOTICES, ETC.**

- 6.1 No sign, notice, advertisement, plate, mark, numbers, letter, figure, symbol, emblem or device whatsoever shall be displayed on, in or from private hire vehicle licensed by the Council except as may be required by any law or provision of these conditions or as otherwise authorised by the Council.
- 6.2 Condition 6.1 shall not prevent the display of the trading name and telephone number of the operator if the vehicle is a people carrier, minibus or non-saloon type vehicle. In such a case the name and telephone number may be displayed on the rear end doors and the front side doors of the vehicle provided that the trading name shall not contain the words "CAB", "TAXI" or "FOR HIRE".
- 6.3 All private hire vehicles shall display door signs, as supplied by the council on the front doors of the vehicle. Such signs shall be securely fixed (not on magnets) directly to the vehicle so as not to be easily removed from the vehicle. These signs shall clearly state that the vehicle is to be used for pre-booked journeys only. On the grant of a private hire vehicle licence, the vehicle shall properly display such door signs on the front doors of the vehicle. Any vehicle in respect of which a private hire vehicle licence is renewed shall, on the renewal of the licence, display door signs as supplied by the Council on the front of the vehicle, unless company information is already displayed on the sides of the vehicle as close to the front doors as is practicable and with the agreement of the Council's Licensing Division.
- 6.4 If a notice of exemption has been issued by the Council, the vehicle in question shall be exempt from the requirement to display all door signs and licence plates. Such plates must, however, be kept with the vehicle at all times, together with the certificate of exemption. An authorised officer of the Council may inspect at any time to ensure compliance with this condition.
- 6.5 The following signs and/or membership badges may be displayed in or from any private hire vehicle licensed by the Council:
- 6.5.1 Any badge or sign which indicates membership of any motoring or vehicle rescue organisation
  - 6.5.2 No smoking signs (Symbol 70mm)
  - 6.5.3 Signs which indicate the location of the Fire Extinguisher.
  - 6.5.4 A sign notifying the use of CCTV where it is in operation.

6.5.5 A “GB” sign displayed on the rear near side of the vehicle.

## **7.0 CHANGE OF ADDRESS**

- 7.1 The proprietor of any private hire vehicle licensed by the Council shall notify the Council in writing of any change of his/her address and / or telephone number within 7 days of such change.

## **8.0 CONVICTIONS**

- 8.1 The proprietor of any private hire vehicle licensed by the Council shall **immediately** disclose, to the Council in writing, details of any convictions, motoring, or criminal imposed on him/her (or, if the proprietor is a company or partnership, on any of the directors or partners).

## **9.0 VEHICLE FITTED WITH TAXIMETER**

- 9.1 Private hire vehicles fitted with a taximeter may not operate unless the meter is in working condition and a certificate stating that the meter has been checked by the independent qualified engineer who supplied or fixed the meter has been delivered to the Council. Any Private Hire Vehicle licensed as such for the first time shall only be fitted with a taximeter approved by the Public Carriage Office, or complying with the EEC directive 77/95/EEC in that it bears the EEC patent approval sign or the EEC partial initial verification mark.
- 9.2 The relevant scale of charges or fare tables operating shall be displayed in the vehicle.

## **MECHANICAL FITNESS**

- 10.1 Prior to issue of a licence all vehicles must be mechanically inspected at the Council’s appointed garage to the required Testing Standard, which can be found in the Hackney Carriage and Private Hire Testing and Inspection Manual. The vehicle shall be submitted for inspection and test on initial application for a vehicle licence and thereafter presented annually for renewal of that licence so long as the vehicle is being operated as a private hire vehicle.
- 10.2 Any vehicle which will be between five and eight years old on the date of the expiry of a licence shall be subject to an additional mechanical compliance and condition test six months after the date of issue of the licence.
- 10.3 Any failure to submit a vehicle for a test in accordance with 10.2 above shall result in the suspension of the licence on the first day after the due test date, unless there are exceptional mitigating circumstances. Any such mitigating circumstances must be put in writing to the Council’s Licensing Manager prior to failure to submit vehicle for test.

10.4 Any vehicle more than 8 years old on the date of the expiry of the licence shall be subject to an annual test and 2 further supplementary mechanical compliance and condition checks at 4 months and 8 months respectively after the day of the issue of the licence.

10.5 Any failure to submit a vehicle for a test in accordance with 10.4 above shall result in the suspension of the licence on the first day after the due test date, unless there are exceptional mitigating circumstances. Any such mitigating circumstances must be put in writing to the Council's Licensing Manager prior to failure to submit vehicle for test.

## **11.0 VEHICLE APPEARANCE**

11.1 In addition to a mechanical inspection, all vehicles must meet the Testing Standards laid down for appearance, comfort and cleanliness.

11.2 The boot of the vehicle must be kept clear for the carrying of passengers' luggage with certain exceptions (spare wheel and jack).

11.3 No external or internal glazing to the front near and offside windows of the vehicle shall be obscured, disfigured, treated or coated in any way (other than at the time of manufacture) so as to hinder or restrict vision through the glazing. The windscreen must allow at least 75% visibility and the remainder of the glazing must allow at least 70% visibility.

## **12. STOWAGE OF LUGGAGE**

12.1 Luggage must be stowed safely and in such a manner so that it cannot move around inside the vehicle. Gangways must not be blocked or in any way impede an emergency evacuation of the vehicle.

## **13. SALE OF VEHICLE**

13.1 The Council's Licensing Officer shall be notified in writing within 14 days of any change of ownership of the vehicle. Unless a notice of transfer has been carried out in accordance with Section 49 of the Local Government (Miscellaneous Provisions) Act 1976 the vehicle will remain the responsibility of the existing PHV Licence proprietor.

## **14. APPEAL**

14.1 Any person aggrieved by a decision made during the inspection carried by the Licensing Officer may appeal in writing to the Licensing Manager or Principal Licensing and Mediation Officer. This does not affect the statutory rights regarding appeals.

14.2 Any person aggrieved by any of the conditions attached to this licence may appeal to a Magistrates Court within 21 days of service of the licence with the conditions attached (see section 48 (7) and 77 of the

Local Government (Miscellaneous Provisions) Act 1976 and sections 300 to 302 of the Public Health Act 1936).



**PRIVATE HIRE OPERATORS LICENCE  
CONDITIONS**

Conditions attached to

**Licence Number .....**

**Expiry Date :**





## **1.0 LICENCE CONDITIONS**

- 1.1 Any requirement of legislation, which affects the operations being carried out, under the terms of this licence, shall be regarded as if they are conditions of this licence.
- 1.2 Wherever there appears in the Licence Conditions any statutory provision, you are advised that such summary is not exhaustive.

## **2.0 RECORDS**

- 2.1 The operator is required to maintain a record of all bookings in accordance with Section 56 (2) of the Local Government (Miscellaneous Provisions) Act 1976. Such a record shall be kept on a computer or in a suitable book or ledger, the pages of which are numbered consecutively. The operator shall enter or cause to be entered therein, before the commencement of each journey, the following particulars of every booking of a private hire vehicle, invited or accepted by him/her.

- The time and date the booking was received
- How the booking was made i.e. telephone, personal call.
- Identification of the hirer
- The day and date of each journey
- The time of pick up / collection
- The point of pick up / collection
- The call sign of the driver
- The destination
- The registration number, plate number or Ref. No. (call sign) of the vehicle allocated for the booking.
- Remarks (including details of any sub-contract)

- 2.2 All records kept by the operator shall be preserved for a period of not less than three years following the date of the last entry.
- 2.3 Computer Records – if a computer system is used, the operator must be able to provide a print out of these details for inspection by an Authorised Officer of the Council or a Police Constable.

## **3.0 STANDARD OF SERVICE**

- 3.1 The operator shall provide a prompt, efficient and reliable service to members of the public and for this purpose shall in particular:
- Ensure that when a private hire vehicle has been hired, to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place.

3.2 Keep clean, adequately heated, ventilated and lit, any premises, which the operator provides and to which the public have access, whether for the purpose of booking or waiting.

3.3 Ensure that any waiting area provided by the operator has adequate seating facilities which are in a clean and tidy condition.

3.4 Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.

#### **4.0 COMPLAINTS**

4.1 The operator shall keep a record of complaints and indicate action (if any) which the operator has taken or proposes to take in respect thereof.

#### **5.0 CHANGE OF ADDRESS/BUSINESS PREMISES**

5.1 The operator shall notify the Council in writing of any change of his/her address and or telephone number (including any address from which he/she operates or otherwise conducts his/her business as an operator) within seven days of such change taking place.

#### **6.0 CONVICTIONS**

6.1 The operator shall, within seven days, disclose to the council, in writing, details of any conviction imposed on him/her (or if the operator is a company or partnership, on any of the directors or partners).

#### **7.0 STAFF**

7.1 The operator shall notify North Lincolnshire Council in writing within seven days of the employment of any Private Hire Driver or of the termination of employment of any Private Hire Driver employed by him.

#### **8.0 INSURANCE**

8.1 The operator shall ensure that every Private Hire Vehicle operated by him/her in accordance with this licence is covered by a Certificate of Insurance or covering note indemnifying the proprietor of the said vehicle within the provision of the Road Traffic Act 1988 (Part IV) for the carriage of passengers for hire or reward. The operator shall ensure that he/she carries the appropriate Employers and/or Public Liability insurance.

#### **9.0 DISPLAY OF TERMS AND CONDITIONS**

9.1 The operator shall at all times keep a copy of these conditions on any premises used by him/her for the purpose of a private hire business, and shall make the same available for inspection by either actual or potential fare paying passengers.

## **10.0 DEPOSIT OF PRIVATE HIRE DRIVER'S LICENCE**

10.1 The operator shall cause to be delivered to him/her the licence of any driver engaged by him or her and shall retain such licence in his/her possession until such time as the driver ceases to be engaged by him/her. The operator shall ensure that such driver is in possession of the appropriate driver's badge issued by the Council.

10.2 The operator shall keep a ledger containing the following details as regards each private hire vehicle operated by him/her:

- Year first registered
- Maker's name and model together with engine size
- Registration number
- Colour
- Number of seats for passengers
- Year of manufacture
- Chassis number
- Engine number
- Name, address and telephone number of owner of vehicle
- Radio call sign allocated to the driver
- Private Hire Licence number
- Private Hire Licence issue and expiry date

10.3 The said ledger shall be produced for inspection when required by an Authorised Officer of the Council or a Police Officer.

## **11.0 GENERAL LICENCE CONDITIONS**

11.1 If you are aggrieved by any of the Conditions attached to this licence you may appeal to a Magistrates Court within 21 days of the service of the licence and attached conditions on you (see Section 55 and 77 of the 1976 Act and Section 300 of the Public Health Act 1976).

## **12.0 LANDLINE TELEPHONE NUMBER**

12.1 The operator shall have a landline telephone number at the licensed premises, which shall be used for the taking of bookings.



## **BYELAWS FOR HACKNEY CARRIAGES**

### **BYELAWS**

**Made under section 68 of the Town Police Clauses Act 1847, and section 171 of the Public Health Act 1875, by the Council of North Lincolnshire with respect to hackney carriages in North Lincolnshire.**

#### **Interpretation.**

1. Throughout these byelaws “the Council” means the Council of North Lincolnshire and “the district” means North Lincolnshire.

Provisions regulating the manner in which the number of each hackney carriage corresponding with the number of its licence, shall be displayed.

2. (a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto.
- (b) A proprietor or driver of a hackney carriage shall:-
  - i. not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
  - ii. not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

Provisions regulating how hackney carriages are to be furnished or provided.

3. The proprietor of a hackney carriage shall:-
  - (a) provide sufficient means by which any person in the carriage may communicate with the driver;
  - (b) cause the roof or covering to be kept water-tight;
  - (c) provide any necessary windows and a means of opening and closing not less than one window on each side;
  - (d) cause the seats to be properly cushioned or covered;

- (e) cause the floor to be provided with a proper carpet, mat, or other suitable covering;
  - (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
  - (g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
  - (h) provide an efficient fire extinguisher, being either a 0.9 kilo dry powder extinguisher with gauge or a 1 kilo Aqueous Film forming foam extinguisher with gauge, which shall be carried in such a position as to be readily available for use by the driver;  
and
  - (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.
4. The proprietor of a hackney carriage shall cause the carriage to be provided with a taximeter which shall be constructed, attached, and maintained so as to comply with the following requirements, that is to say:-
- (a) the taximeter shall be fitted with a device the operation of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;
  - (b) such device shall be capable of de-activating the machinery of the taximeter so that no fare is recorded on the face of the taximeter,
  - (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by time as well as for distance in pursuance of the tariff fixed by the Council;
  - (d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
  - (e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring; and
  - (f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

Provisions regulating the conduct of the proprietors and drivers of hackney carriages plying within the district in their several employments, and determining whether such drivers shall wear any and what badges.

5. The driver of a hackney carriage shall:-
  - (a) when standing or plying for hire, keep the device fitted in pursuance of the byelaw in that behalf deactivated so that no fare is recorded on the face of the taximeter;
  - (b) before beginning a journey for which a fare is charged for distance and time bring the machinery of the taximeter into action by moving the said device, so that the word "HIRED" appears on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring; and
  - (c) cause the face of the taximeter to be kept properly illuminated throughout any part of a hiring which is between half-an-hour after sunset and half-an-hour before sunrise, and also at any other time at the request of the hirer.
6. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:-
  - (a) proceed with reasonable speed to one of the stands appointed by the Council;
  - (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
  - (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction; and
  - (d) 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 place previously occupied by the carriage driven off or moved forward.
8. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not make use of the services of any other person for the purpose of importuning any person to hire such carriage.



9. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
10. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
11. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
12. If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.
13. The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:-
  - (a) convey a reasonable quantity of luggage;
  - (b) afford reasonable assistance in loading and unloading; and
  - (c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.

**Provisions fixing the rates or fares to be paid for hackney carriages within the district, and securing the due publication of such fares.**

14. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council, the rate or fare being calculated by distance and time unless the hirer expresses at the commencement of the hiring his desire to engage by time alone.

Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance and time the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.

15.
  - (a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by Council resolution to be exhibited inside the carriage, in clearly distinguishable letters and figures.
  - (b) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed

or rendered illegible at any time while the carriage is plying or being used for hire.

### **Penalties.**

16. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding Level 2 on the standard scale and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction therefore.

### **Repeal of Byelaws.**

17. The byelaws relating to hackney carriages detailed in the schedule are hereby repealed.

### **Schedule.**

1. The byelaws made by the Mayor Aldermen and Burgesses of the Borough of Scunthorpe on the twenty fifth day of September 1972, and which were confirmed by the Secretary of State on the first day of April 1973.
2. The byelaws made by the Glanford Borough Council on the twenty third day of December 1986, and which were confirmed by the Secretary of State on the first day of July 1987.
3. The byelaws made by the Boothferry Borough Council on the first day of October 1987, and which were confirmed by the Secretary of State on the first day of January 1988, insofar as they relate to the area of North Lincolnshire.

The Common Seal of  
North Lincolnshire Council  
was hereunto affixed this  
twenty sixth day of February 1999  
in the presence of:-

G K Masterson  
Authorised Officer

The foregoing Byelaw is hereby  
confirmed by the Secretary of State  
and shall come into operation on the  
first day of June 1999

E. C. Neve

A grade 5 office in the D.E.T.R on behalf of the Secretary of State for the  
Environment, Transport and the Regions

## **No English?**

### **For information please call:**

08000 193530 (Arabic) للحصول على المزيد من المعلومات اتصل بـ:

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