



2 September 2019

LICENSING AND SAFETY COMMITTEE – 10 SEPTEMBER 2019

A meeting of the Licensing and Safety Committee will be held at 6pm on Tuesday 10 September 2019 in the Council Chamber, Town Hall, Rugby.

Adam Norburn
Executive Director

A G E N D A

PART 1 – PUBLIC BUSINESS

1. Minutes.

To confirm the minutes of the:

Licensing and Safety Committees held on 22 January 2019 and 16 May 2019; and
Licensing Sub Committees (General) held on 24 June 2019 and 11 July 2019.

2. Apologies.

To receive apologies for absence from the meeting.

3. Declarations of Interest.

To receive declarations of –

(a) non-pecuniary interests as defined by the Council's Code of Conduct for Councillors;

(b) pecuniary interests as defined by the Council's Code of Conduct for Councillors; and

(c) notice under Section 106 Local Government Finance Act 1992 – non-payment of Community Charge or Council Tax.

Note: Members are reminded that they should declare the existence and nature of their non-pecuniary interests at the commencement of the meeting (or as soon as the interest becomes apparent). If that interest is a prejudicial interest the Member must withdraw from the room unless one of the exceptions applies.

Membership of Warwickshire County Council or any Parish Council is classed as a non-pecuniary interest under the Code of Conduct. A Member does not need to declare this interest unless the Member chooses to speak on a matter relating to their membership. If the Member does not wish to speak on the matter, the Member may still vote on the matter without making a declaration.

4. Government Consultation – Taxi and Private Hire Vehicle Licensing: Protecting Users.
5. Draft Taxi Policy.

PART 2 – EXEMPT INFORMATION

There is no business involving exempt information to be considered.

Any additional papers for this meeting can be accessed here via the website.

The Reports of Officers are attached.

Membership of the Committee: Councillors Cade (Chairman), Mrs A'Barrow, Brader, Douglas, Miss Dumbleton, Ellis, Mrs Garcia, Leigh Hunt, Keeling, Pacey-Day, Mrs Roberts and Mrs Roodhouse

If you have any general queries with regard to this agenda please contact Linn Ashmore, Democratic Services Officer (01788 533522 or e-mail Linn.Ashmore@rugby.gov.uk). Any specific queries concerning reports should be directed to the listed contact officer.

If you wish to attend the meeting and have any special requirements for access please contact the Democratic Services Officer named above.

AGENDA MANAGEMENT SHEET

Report Title:	Government Consultation-Taxi and Private Hire Vehicle Licensing: Protecting Users
Name of Committee:	Licensing and Safety Committee
Date of Meeting:	10 September 2019
Portfolio:	Environment and Public Realm
Ward Relevance:	All Wards
Prior Consultation:	None
Contact Officer:	Zulfeqar Rahman Principal Licensing Officer
Statutory/Policy Background:	In the Summer of 2017, the Department for Transport established a Task and Finish Group, with the aim of considering evidence relating to the adequacy of current taxi and PHV licensing authority powers, as set out in legislation and guidance, making recommendations for actions to address any priority issues identified.
Summary:	This report presents to committee members new Statutory Guidance on and consultation by the Department of Transport on proposed taxi and private hire licensing policies.
Financial Implications:	There are no financial implications arising from this report.
Environmental Implications:	There are no environmental implications arising from this report.
Legal Implications:	The Legal implications are embodied within the report.
Equality and Diversity:	There are no equality and diversity implications arising from this report.
Options:	That Committee note the content of the report and consultation response.
Recommendation:	Committee members note the purpose and content of the information in this report

Licensing and Safety Committee – 10 September 2019

**Government Consultation- Taxi and Private Hire Vehicle Licensing:
Protecting Users**

Public Report of the Head of Environmental and Public Realm

Recommendation

Committee note the purpose and content of the information in the report.

1. Background

- 1.1 In the summer of 2017, the Department for Transport established a Task and Finish Group (TFG) with the aim of considering evidence relating to the adequacy of current taxi and PHV licensing authority powers, as set out in legislation and guidance, making recommendations for actions to address any priority issues identified.
- 1.2 The Government published its response to the TFG on 12 February 2019 (Appendix A). The response first sets out a broad summary of the government's position, and the actions it proposes to take. It is then followed by a point-by-point consideration of the reports 34 specific recommendations.
- 1.3 Many of the recommendations required the Government to introduce either Legislation or Statutory Guidance. At this time there still does not appear to be an intention to amend the Legislation in any significant way.
- 1.4 The response accepts three key measures recommended to achieve a safe service for passengers which are
 - National Minimum Standards
 - National Enforcement Powers; and
 - A National Licensing Database
- 1.5 Legislative measures are available to DFT under the Policing and Crime Act 2017 to issue Statutory Guidance on exercising taxi and PHV licensing functions in order to protect children and vulnerable individuals over the age of 18 from harm when using the services of taxis/private hire.

2. Statutory Guidance

- 2.1. Statutory Guidance does not alter the key legislation, nor does it make any New legislation. However, it is the strongest possible Guidance Central Government can issue in guiding licensing authorities to review and update their policies.

- 2.2. The Department for Transport has produced Statutory Guidance for Licensing Authorities. (Appendix B).
- 2.3. This report also includes a response sent to the Department for Transport consultation on the proposed Statutory Guidance for Licensing Authorities (Appendix C).

Name of Meeting: Licensing and Safety Committee

Date of Meeting: 10 September 2019

Subject Matter: Government Consultation- Taxi and Private Hire Vehicle Licensing: Protecting users

Originating Department: Environment and Public Realm

LIST OF APPENDICES

Reference	Title
Appendix A	Government Response Report of the Task and Finish Group on Taxi and Private Hire Vehicle Licensing
Appendix B	Department of Transport Taxi and Private Hire Vehicles Licensing: Protecting users Statutory Guidance for Licensing Authorities
Appendix C	Department for Transport survey - response from Rugby Borough Council

DO ANY BACKGROUND PAPERS APPLY YES NO

LIST OF BACKGROUND PAPERS

Doc No	Title of Document and Hyperlink

Exempt information is contained in the following documents:

Doc No	Relevant Paragraph of Schedule 12A

Government Response
Report of the Task and Finish
Group on Taxi and Private Hire
Vehicle Licensing
Moving Britain Ahead



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Foreword

I would like to thank the Chair and Members of the Task and Finish Group on Taxi and Private Hire Vehicle Licensing for their time and for sharing their knowledge and expertise. I share the group's desire to act where needed. Many of the recommendations in the Chair's report seek to ensure the safety of passengers in taxis and private hire vehicles wherever they may be travelling, and the report is clear on the role that government and licensing authorities must play to achieve this.

My Department has considered the recommendations made by the Chair and the comments of the members; it is clear where there is a consensus and where the arguments are more finely balanced. In this response I will set out the action Government will take. At the forefront of our deliberations are the interests of passengers, both in the short-term and going forward to provide a framework that works now and for the future as the sector faces further change.

The existing licensing framework provides licensing authorities with extensive powers to set appropriate standards for drivers, vehicles and private hire operators. As the Chair has identified, licensing authorities can bring about much of the needed reform through the use of these powers and we support the call for far greater collaboration between licensing authorities in the interests of both passengers and the trade.

Together, Government and licensing authorities can learn from past failings and regulatory and industry best practice, to provide a framework that fosters fair competition, high standards and a service for all that those working in the trade can be rightly proud of.



Nusrat Ghani MP

Parliamentary Under Secretary of State for Transport

Background

The Task and Finish Group

- 1 The Task and Finish Group (TFG) on Taxi and Private Hire Vehicle Licensing was established in September 2017. The group's remit was to consider evidence relating to the adequacy of current taxi and private hire vehicle (PHV) licensing authority powers, as set out in legislation and guidance, and to make recommendations for actions to address any priority issues identified; specifically:
 - Identifying the current priority concerns regarding the regulation of the sector, based on evidence of impact and scale across England;
 - Considering, in particular, the adequacy of measures in the licensing system to address those issues;
 - Considering whether it would advise the Government to accept the recommendations made in the Law Commission's May 2014 report on taxi and PHV legislative reform relevant to the issues, and;
 - Making specific and prioritised recommendations, legislative and non-legislative, for action to address identified and evidenced issues.
- 2 The Chair of the group, Professor Mohammed Abdel-Haq, submitted his report (the 'TFG report'), with individual annexes contributed by group members, to the Secretary of State for Transport on 9 July 2018.

The format of this response

- 3 This response first sets out a broad summary of the Government's position, and the actions it proposes to take.
- 4 This is followed, in chapters two to five, by a point-by-point consideration of the report's 34 specific recommendations. The chapter headings mirror the named sections of the TFG report.

1. Summary

The report of the Chair of the independent Task and Finish Group sets out a road-map for reform of the regulation of the taxi and private hire vehicle (PHV) sector. His report highlights the leadership role that government must provide and the extensive powers that licensing authorities currently have to shape the sector and the benefits of increased collaboration between them. Above all other considerations the Task and Finish Group has put the passenger at the heart of its thinking; we welcome and share this view. Government will take action where needed to ensure a safe and well-functioning sector which meets the needs and expectations of its passengers.

Greater collaboration is essential to delivering safe and convenient travel for all; unlike other forms of licensing the people and premises (in this case the drivers and vehicles) are mobile and will frequently be asked to work beyond the area in which they are licensed - while regulation is undertaken at a local level, journeys the public wish to take are not bound by borders. Greater consistency and collaboration in regulation is needed to address the changes in the sector and the concerns of the public, the trade and of regulators themselves.

The primary concern of the group was considering ways in which the safety of passengers can be protected. The Chair, with the full support of the group's members, has made a number of recommendations on robust measures he feels are appropriate and how government should ensure these are consistently applied and enforced. The Government accepts the three key measures recommended to achieve a safe service for passengers:

- National Minimum Standards
- National Enforcement Powers; and
- A National Licensing Database.

In addition, Government will consider further, with a view to legislation, the Chair's recommendation around tackling cross-border working, including how it might work in detail.

Government has already made commitments as part of its Inclusive Transport Strategy to work with licensing authorities to increase the availability of wheelchair accessible vehicles where demand is unmet; to prevent the refusal of wheelchair users and those travelling with assistance dogs; and to take strong action if such offences occur.

As with other parts of the economy, the PHV trade has experienced growth in numbers and changes to the way those within it work. The Good Work Plan, published in December 2018, sets out the Government's vision for the future of the labour market and its ambitious plans for implementing the recommendations arising from the Taylor Review.

2. Market function and regulation

TFG Recommendation 1

Notwithstanding the specific recommendations made below, taxi and PHV legislation should be urgently revised to provide a safe, clear and up to date structure that can effectively regulate the two-tier trade as it is now.

Government response

- 2.1 We agree that the regulation of taxis and private hire vehicles needs reform. Government acknowledged that need in 2012 by asking the Law Commission to review the regulation of the sector and propose an updated legislative framework. The Commission published a report and draft Bill in May 2014.
- 2.2 Since the Law Commission's report was published in 2014, the sector has undergone rapid change and continues to do so. Increased use of technology by passengers and the trade has resulted in a significantly different licensing landscape from that which existed when the Commission undertook its review. The TFG report makes a number of specific recommendations which conflict with the approach that the Law Commission took - for example, concerning cross-border journey restrictions - and it does not address in detail many of the fundamental questions about how an entirely new legislative framework might look.
- 2.3 We will set out in this response what legislation the Government proposes to take forward. In the short term this does not include a full replacement of the law which regulates taxi and private hire. It will, however, be important to fully consider this as part of work on the Future of Mobility¹, which will consider how Government can support new technology and innovation through regulatory frameworks which can evolve with time.

¹ <https://www.gov.uk/government/publications/industrial-strategy-the-grand-challenges/industrial-strategy-the-grand-challenges#future-of-mobility>

TFG Recommendation 2

Government should legislate for national minimum standards for taxi and PHV licensing - for drivers, vehicles and operators (see recommendation 6). The national minimum standards that relate to the personal safety of passengers must be set at a level to ensure a high minimum safety standard across every authority in England.

Government must convene a panel of regulators, passenger safety groups and operator representatives to determine the national minimum safety standards. Licensing authorities should, however, be able to set additional higher standards in safety and all other aspects depending on the requirements of the local areas if they wish to do so.

Government response

- 2.4 The Government agrees that there should be national minimum standards for taxi and PHV licensing, and will take forward legislation when time allows to enable these.
- 2.5 There is a welcome consensus in favour of the principle of national minimum standards, though careful consideration will be needed to define the scope of those standards and what they should be. In particular, it will be important to carefully balance the need to create more harmonised licensing practice, particularly where safety is concerned, with the important right of local licensing authorities to set conditions appropriate for their areas.
- 2.6 In the interim, Government will continue to review its statutory and best practice guidance. The development of these, through engagement and consultation, will ultimately shape the content of national minimum standards.
- 2.7 At Autumn Budget 2018, the Government announced that it will consider legislating at Finance Bill 2019-20 to introduce a tax-registration check linked to the licence renewal processes. This would include drivers of taxis and PHVs and PHV operators licensing in England and Wales. Applicants would need to provide proof they are correctly registered for tax in order to be granted these licences. This would help to raise regulatory standards and improve tax compliance in this sector.

TFG Recommendation 3

Government should urgently update its Best Practice Guidance. To achieve greater consistency in advance of national minimum standards, licensing authorities should only deviate from the recommendations in exceptional circumstances. In this event licensing authorities should publish the rationale for this decision.

Where aspects of licensing are not covered by guidance nor national minimum standards, or where there is a desire to go above and beyond the national minimum standard, licensing authorities should aspire to collaborate with adjoining areas to reduce variations in driver, vehicle and operator requirements. Such action is particularly, but not exclusively, important within city regions.

Government response

- 2.8 The Government welcomes this recommendation, recognising as it does the leadership role that Government must play but also the shared collective responsibility that licensing authorities have to work together to increase consistency beyond safety standards and in doing so address the root cause of wider concerns over 'out-of-area' working by some licensees.
- 2.9 Alongside this response, the Department is for the first time consulting on statutory guidance to be issued to licensing authorities which details the Department's view of how their functions may be exercised so as to protect children and vulnerable adults from harm. Licensing authorities are obligated to have regard to this guidance, and as such we expect the final recommendations to be enacted unless there is a clear local reason to deviate from them.

TFG Recommendation 4

In the short-term, large urban areas, notably those that have metro mayors, should emulate the model of licensing which currently exists in London and be combined into one licensing area. In non-metropolitan areas collaboration and joint working between smaller authorities should become the norm.

Government having encouraged such joint working to build capacity and effectiveness, working with the Local Government Association, should review progress in non-metropolitan areas over the next three years.

Government Response

- 2.10 The Government agrees that collaboration and joint working can be helpful in ensuring efficient operation of taxi and PHV licensing in smaller local authorities. The Government will keep progress in this area under review.

TFG Recommendation 5

As the law stands, plying for hire is difficult to prove and requires significant enforcement resources. Technological advancement has blurred the distinction between the two trades.

Government should introduce a statutory definition of both plying for hire and pre-booked in order to maintain the two-tier system. This definition should include reviewing the use of technology and vehicle 'clustering' as well as ensuring taxis retain the sole right to be hailed on streets or at ranks.

Government should convene a panel of regulatory experts to explore and draft the definition.

Government response

- 2.11 This matter was the subject of specific consideration by the Law Commission in the course of its review. The Commission ultimately concluded that a statutory definition of plying for hire would not be a practical improvement on the current position. This decision was reached with the advice of an expert panel established specifically for the purpose of discussing reform of "plying for hire". The Commission's main reason

for reaching this conclusion was that whether a vehicle is plying for hire in particular circumstances is a matter of fact and degree that the courts must consider. It concluded that many of the current grey areas would remain unresolved as no statutory list of factors could be sufficiently determinative to give clear guidance.

- 2.12 We have no reason to believe that the legal situation has changed since 2014, and thus no reason to believe that a new or reconvened expert panel would reach a different conclusion. As a result, the Government does not intend to take this recommendation forward at this time.

TFG Recommendation 6

Government should require companies that act as intermediaries between passengers and taxi drivers to meet the same licensing requirements and obligations as PHV operators, as this may provide additional safety for passengers (e.g. though greater traceability).

Government response

- 2.13 PHV operators, and companies that act as intermediaries for taxi bookings, do perform functions that appear very similar. However, the Government is not convinced that there is a compelling case for the licensing of taxi intermediaries (such as taxi apps or radio circuits).
- 2.14 An operator is fundamental to the booking of a PHV, and so has a distinct and legally necessary role in the regulatory system. Conversely, when a taxi is requested via an intermediary, that intermediary is doing nothing more than passengers could do themselves - they merely convey the request from the passenger to a taxi driver. This is unlike the situation with PHVs where it would be illegal for the passenger to engage the services of the driver directly, and the involvement of the PHV operator is necessary to make the journey a lawful one. This distinction reflects the greater degree of regulation applied to taxis than PHVs.
- 2.15 The Law Commission also considered this, and concluded that intermediaries working solely with licensed taxis should not require licensing.

TFG Recommendation 7

Central Government and licensing authorities should 'level the playing field' by mitigating additional costs faced by the trade where a wider social benefit is provided – for example, where a wheelchair accessible and/or zero emission capable vehicle is made available.

Government Response

- 2.16 Government is aware of the additional cost involved in the purchase of a wheelchair accessible vehicle (WAV) or a zero-emission capable vehicle, whether voluntarily or because of licensing requirements.

- 2.17 For zero-emission capable vehicles, the Government provides the plug-in car grant² and the plug-in taxi grant³.
- 2.18 A number of authorities are proactively encouraging the provision of WAVs through offering discounted licensing fees for these vehicles. Government welcomes this initiative and would encourage licensing authorities to consider what other incentives could be offered (particularly those which may not impose costs on licensing authorities themselves - for example, allowing WAVs access to bus lanes).
- 2.19 The Government does not propose to introduce further financial incentives for taxis and PHVs based on vehicle type at the current time; however we will keep this under review.

TFG Recommendation 8

Government should legislate to allow local licensing authorities, where a need is proven through a public interest test, to set a cap on the number of taxi and private hire vehicles they license. This can help authorities to solve challenges around congestion, air quality and parking and ensure appropriate provision of taxi and private hire services for passengers, while maintaining drivers' working conditions.

Government Response

- 2.20 Local licensing authorities outside London can currently limit the number of taxis they licence, provided there is no significant 'unmet demand' for taxi services in their areas. It is not currently possible by law for any licensing authority in England to limit the number of PHVs it licenses.
- 2.21 The TFG members had differing opinions on this recommendation, recorded in their comments in the annex to the report; Transport for London (TfL) strongly supports it, while some other members flag concerns about the effects on competition in particular. Competition benefits consumers by incentivising operators to give value for money, to innovate, and drive improvements in service standards.
- 2.22 Of particular concern would be any potential impact on safety. An undersupply of vehicles would increase wait times and cause people to be stranded in vulnerable situations, potentially increasing the use of unlicensed, unvetted and illegal drivers and vehicles. We acknowledge that the recommendation is that licence 'caps' should require a public interest test, which may allow for consideration of any negative impacts. Nevertheless, the potential negative impacts of capping for passengers are considerable, and real-life demand for taxi and PHV services can be very difficult to accurately calculate. Reducing the availability of PHVs could also result in higher prices for passengers, as, unlike taxis, PHV fares are not controlled.
- 2.23 There has been significant growth in the number of PHVs licensed in London in recent years; there was an increase of 66% between March 2014 and March 2017, from around 53,000 vehicles to nearly 88,000. Since then, the number does appear to have stabilised at around 87,500.⁴ TfL has congestion charging powers, and has announced following public consultation that the exemption from the congestion

² <https://www.gov.uk/government/publications/plug-in-car-grant/plug-in-car-grant-eligibility-guidance>

³ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/682046/plugin-taxi-grant-vehicle-application-guidance.pdf

⁴ <https://tfl.gov.uk/info-for/taxis-and-private-hire/licensing/licensing-information>

charge currently given to PHVs when they are working will be removed from April 2019.⁵

- 2.24 The Government does not propose to take this recommendation forward. We would instead wish to see local authorities make the most use of existing powers to address air quality and congestion issues.

TFG Recommendation 9

All licensing authorities should use their existing powers make it a condition of licensing that drivers cooperate with requests from authorised compliance officers in other areas. Where a driver fails to comply with this requirement enforcement action should be taken as if the driver has failed to comply with the same request from an officer of the issuing authority

Government Response

- 2.25 The Government welcomes this recommendation. Regardless of any current or future rules on cross-border working (see paragraphs 2.30 - 2.35), drivers will on occasion encounter licensing officers from other authorities.
- 2.26 We are aware of a number of authorities that already have this requirement as part of their licensing conditions and we would encourage other licensing authorities to do so too. Where drivers are working in an area other than that in which they are licensed, it should be expected that licensees comply with the reasonable requests of any licensing officers, assisting them in ensuring compliance with appropriate standards, and ultimately protecting passengers.

TFG Recommendation 10

Legislation should be brought forward to enable licensing authorities to carry out enforcement and compliance checks and take appropriate action against any taxi or PHV in their area that is in breach of national minimum standards (recommendation 2) or the requirement that all taxi and PHV journeys should start and/or end within the area that issued the relevant licences (recommendation 11).

Government Response

- 2.27 The Government agrees that there should be national enforcement against the national minimum standards that will be introduced in response to recommendation two, and will legislate for this when time allows.
- 2.28 As noted above, regardless of any current or future rules on cross-border working, drivers will inevitably undertake some journeys which take them outside their licensed area. The benefits to passenger safety resulting from robust national minimum standards can only be maximised when effective enforcement ensures compliance with these, regardless of where journeys are taking place.

⁵ <https://consultations.tfl.gov.uk/policy/private-hire-charge-exemption/> (the exemption will continue to be available for wheelchair accessible PHVs).

- 2.29 The Government will work closely with licensing authorities and enforcement officers to ensure that the precise scope of national enforcement powers, and how they would be used in practice, are carefully considered and defined.

TFG Recommendation 11

Government should legislate that all taxi and PHV journeys should start and/or end within the area for which the driver, vehicle and operator (PHVs and taxis – see recommendation 6) are licensed. Appropriate measures should be in place to allow specialist services such as chauffeur and disability transport services to continue to operate cross border.

Operators should not be restricted from applying for and holding licences with multiple authorities, subject to them meeting both national standards and any additional requirements imposed by the relevant licensing authority.

Government Response

- 2.30 There are clearly a range of views within the sector and interested parties about how cross-border, or out-of-area, journeys by taxis and PHVs should be permitted or restricted. This can clearly be seen in the range of views expressed by individual members of the TFG in their comments in the annex to the report.
- 2.31 Currently, a PHV journey can take place anywhere in England provided that the driver, vehicle and operator are licensed by the same licensing authority. However, the licensing requirements in different areas (for example, the training required of drivers or the vehicle standards set) can vary considerably.
- 2.32 Such variations, combined with the freedom to carry out journeys anywhere, can incentivise drivers or operators to license away from the area where they actually intend to carry out work. This means that the ability of local licensing authorities to set and maintain taxi and PHV standards for their local areas is undermined.
- 2.33 We acknowledge the view that national minimum standards will go some way towards resolving that problem. The Suzy Lamplugh Trust noted in its comments on the TFG report that it did not support recommendation 11 because the introduction of national minimum standards would resolve the current practice of drivers choosing which licensing authority to obtain their licence from based on "less stringent" safety checks.
- 2.34 Even with national minimum standards in place, there will still be variations in licensing conditions (and therefore matters like licence costs and processing times), since the Government does not intend to remove the ability of licensing authorities to set their own local standards in matters not covered by the national minimum standards, or above and beyond those minimum standards. Local authorities are accountable for licensing in their areas and it is only right that they have the powers to properly shape and influence their local market.
- 2.35 Government therefore agrees with the principle of this recommendation, and will consider further (with a view to legislation) how it might best work in detail. In particular, Government will need to consider what size of area is appropriate. We will also consider what flexibilities or exemptions might be needed to reduce or avoid negative impacts on any particular business models, types of transport or passenger,

and businesses or localities that are close to (perhaps multiple) licensing authority borders.

TFG Recommendation 12

Licensing authorities should ensure that their licensing administration and enforcement functions are adequately resourced, setting fees at an appropriate level to enable this.

Government Response

- 2.36 The prime reason for regulation of taxis and PHVs is to protect the public and licensing authorities must ensure that this function is sufficiently resourced to do so. We therefore urge licensing authorities to ensure that they have efficient and effective procedures in place to minimise the cost to the trade of establishing a robust and well-resourced licensing body and undertake a review of their licensing fees to recover the permissible costs and no more of providing this.

TFG Recommendation 13

Legislation should be introduced by the Government as a matter of urgency to enable Transport for London to regulate the operation of pedicabs in London

Government Response

- 2.37 The Government fully supports this recommendation.
- 2.38 Under the current law, pedicabs can be regulated as taxis elsewhere in England but not in London. This is the result of the differing legislation that governs London and the rest of England. In London, pedicabs are considered to be 'stage carriages' rather than taxis (hackney carriages). The resulting lack of any regulation of pedicabs in London is an anomaly which needs fixing, in the clear interest of passengers.
- 2.39 The Government has worked with TfL to support the Pedicabs (London) Private Members' Bill brought forward by Paul Scully MP. The objective of the Bill has cross party support, and we hope that Parliament will enable this to become statute.
- 2.40 Should the Pedicabs (London) Bill not become law, the Government will put forward its own legislation when time permits to enable TfL to regulate pedicabs.

TFG Recommendation 14

The Department for Transport and Transport for London should work together to enable the issue of Fixed Penalty Notices (FPNs) for both minor taxi and PHV compliance failings. The Department for Transport should introduce legislation to provide all licensing authorities with the same powers.

Government Response

- 2.41 The Transport for London Act 2008 enables an FPN system to be introduced for certain taxi and PHV offences within London. These powers have never been commenced by TfL. Despite the title of the relevant schedule to the 2008 Act, the list of offences relates only to Acts which govern taxi regulation and therefore would not enable FPNs to be issued regarding any PHV offence.
- 2.42 The Department for Transport and TfL are discussing what amendments to the schedule of offences would be required to address this regulatory imbalance and address TfL's concerns, so that it can make effective use of its powers.
- 2.43 The Department is aware that a number of licensing authorities operate a penalty points system to address minor infringements. We will engage with licensing authorities to establish if there is significant demand for a power to issue fixed penalty notices outside of London to assist in the enforcement of national minimum standards.

TFG Recommendation 15

All ridesharing service services should explicitly gain the informed consent of passengers at the time of the booking and commencement of the journey.

Government Response

- 2.44 Taxi and PHV ridesharing services (i.e. multiple passengers sharing a taxi or PHV to the same, or similar, destinations who are charged separate fares - for example, the 'Uber Pool' service) have been permitted for over 30 years but the adoption by the public of new technology is likely to increase the participation rate.
- 2.45 Government supports choice for consumers but this must be an informed choice. It would be unacceptable for any person to be led to believe that they are hiring a taxi or PHV exclusively, and then be expected to share with other passengers who are unknown to them. Although the TFG report does not present any evidence that such confusion is happening in practice, operators should ensure their systems make it entirely clear to passengers when they are engaging a shared service. Licensing authorities may wish to ensure that their operator licensing conditions make clear that operators must do this.

3. Safety in taxis and private hire vehicles

- 3.1 Many of the recommendations made by the TFG Report in this area call on local licensing authorities to make better use of their existing powers, ahead of Government legislating for the introduction of national minimum standards.

TFG Recommendation 16

The Department for Transport must as a matter of urgency press ahead with consultation on a draft of its Statutory Guidance to local licensing authorities. The guidance must be explicit in its expectations of what licensing authorities should be doing to safeguard vulnerable passengers. The effectiveness of the guidance must be monitored in advance of legislation on national minimum standards.

Government Response

- 3.2 The TFG received submissions and heard evidence on ways to increase passenger safety from a wide range of organisations.
- 3.3 Both the Jay and Casey Reports into child sexual abuse and exploitation noted the prominent role played by taxi and PHV drivers in a large number of cases of abuse. The Casey Report in particular uncovered what was described as "weak and ineffective arrangements for taxi licensing which leave the public at risk." To help reduce the risk posed to children and vulnerable individuals from harm by taxi and PHV drivers who seek to abuse their position of trust, section 177 of the Policing and Crime Act 2017 enables the Secretary of State to issue statutory guidance to licensing authorities on the exercise of their taxi and PHV licensing functions.
- 3.4 The TFG was invited to review the draft statutory guidance ahead of the public consultation, and it has now been published for consultation alongside this response. The Department is grateful to the organisations it engaged with while drafting the guidance for consultation, and we encourage all organisations and individuals with views on the guidance to respond to the consultation.

TFG Recommendation 17

In the interests of passenger safety, particularly in the light of events in towns and cities like Rochdale, Oxford, Newcastle and Rotherham, all licensed vehicles must be fitted with CCTV (visual and audio) subject to strict data protection measures. Licensing authorities must use their existing power to mandate this ahead of the requirement's inclusion in national minimum standards.

To support greater consistency in licensing, potentially reduce costs and assist greater out of area compliance, the Government must set out in guidance the standards and specifications of CCTV systems for use in taxis and PHVs. These must then be introduced on a mandatory basis as part of national minimum standards

Government Response

- 3.5 The Government's view on the use of CCTV in taxis and private hire vehicles is set out in the consultation on draft statutory guidance which accompanies this response.
- 3.6 It is the Department's view that CCTV (with targeted overt recording of audio instigated when either the passenger or driver deems necessary) provides additional public protection - to both passengers and drivers - providing a fuller objective record of events, assisting in identification of unacceptable and/or illegal behaviour by all occupants of the vehicle. As the TFG report identifies, ridesharing in taxis and PHVs is becoming more popular, introducing further risks as passengers are travelling in close proximity with strangers.
- 3.7 However, Government must also consider the importance of protecting individuals' privacy. It is vital therefore that any recordings made are able to be viewed only by those with a legitimate need to do so, such as the police when investigating an allegation or licensing authorities in response to a complaint. Licensing authorities should refer to guidance issued by the Information Commissioner and the Surveillance Camera Commissioner when formulating their policies on the specification and use of in vehicle CCTV system.
- 3.8 It should be noted that where a local authority considers granting a license subject to CCTV conditions, it assumes the role of a system operator for the purposes of the Home Secretary's Surveillance Camera Code issued under the Protection of Freedoms Act 2012, which means it must have regard to the Code; and is the data controller for the purposes of the Data Protection Act 2018.

TFG Recommendation 18

As Government and local authorities would benefit from a reduction in crime in licensed vehicle both should consider ways in which the costs to small businesses of installing CCTV can be mitigated.

Government Response

- 3.9 It is likely that Government and local authorities would benefit from a reduction in crime as a result of more extensive installation of CCTV in taxis and PHVs. However, CCTV is installed in many businesses at their own cost with an expectation that this

will deter crime and so protect their staff and property. For example, similar conditions may be required before granting establishments a licence to sell alcohol.

- 3.10 Government has acted to assist the trade where tighter regulation has significantly increased costs, for example providing a grant of up to £7,500 to assist the trade in transitioning to zero emission capable vehicles. The cost of installing a CCTV system is similar to a replacement set of tyres for a vehicle; as such we do not consider subsidising of these additional costs is necessary.

TFG Recommendation 19

National standards must set requirements to assist the public in distinguishing between taxis, PHVs and unlicensed vehicles. These should require drivers to have on display (e.g. a clearly visible badge or arm-band providing) relevant details to assist the passengers in identifying that they are appropriately licensed e.g. photograph of the driver and licence type i.e. immediate hire or pre-booked only.

All PHVs must be required to provide information to passengers including driver photo ID and the vehicle licence number, in advance of a journey. This would enable all passengers to share information with others in advance of their journey. For passengers who cannot receive the relevant information via digital means this information should be available through other means before passengers get into the vehicle.

Government Response

- 3.11 It is clearly important that people are able to identify a licensed vehicle and driver, minimising the risk of them travelling in vehicles that are not licensed or correctly insured.
- 3.12 It is also common that people do not understand fundamental differences between taxis and PHVs; comments from the Suzy Lamplugh Trust in the annex to the TFG report highlight that over a quarter of people believe PHVs can be hired directly through the driver.
- 3.13 There are divergent standards through England as to what a taxi and PHV may look like, or display. These differences range from the minor e.g. whether an operator's details can or must be displayed (either permanently or in a form which can be removed) to specifying what colour vehicles must be in order to be licensed.
- 3.14 The Government will consider what vehicle and driver identification requirements should be included within national minimum requirements, focussing on supporting safety. Over and above national minimum standards, local considerations (particularly in respect of vehicle licensing conditions) will remain important.

TFG Recommendation 20

All drivers must be subject to enhanced DBS and barred lists checks. Licensing authorities should use their existing power to mandate this ahead of inclusion as part of national minimum standards.

All licensing authorities must require drivers to subscribe to the DBS update service and DBS checks should must be carried out at a minimum of every six months. Licensing authorities must use their existing power to mandate this ahead of inclusion as part of national standards.

Government Response

- 3.15 The Government agrees with both parts of this recommendation, and they are included in the statutory guidance which has been issued for consultation alongside this response. In the longer term, they will be considered as part of national minimum standards.
- 3.16 In 2012 the Government enabled licensing authorities to undertake enhanced Disclosure and Barring Service (DBS) checks; this includes the ability to check both barred lists, which list people who are prevented from working with children and/or adults as they are, have been, or might in the future be, engaged in regulated activity or where a person is cautioned or convicted for a relevant (automatic barring) offence. As the TFG report acknowledges, all licensing authorities have a stated policy of requiring enhanced DBS checks for taxi and PHV drivers, but a small minority of authorities do not also check the barred lists despite there being no additional cost to do so.
- 3.17 The TFG report also highlights the benefits of requiring licensees to subscribe to the DBS's update service, through reduced administration and lower long-term costs for both licensing authorities and licensees themselves.

TFG Recommendation 21

Government must issue guidance, as a matter of urgency, that clearly specifies convictions that it considers should be grounds for refusal or revocation of driver licences and the period for which these exclusions should apply. Licensing authorities must align their existing policies to this ahead of inclusion in national minimum standards.

Government Response

- 3.18 The Government agrees with this recommendation, and its view has been included in the statutory guidance which has been issued for consultation alongside this response.
- 3.19 As with the introduction of national minimum standards, Government will seek to balance the need for greater nationwide consistency with respect for local decision making. We welcome the work that the Institute of Licensing in partnership with the Local Government Association, the National Association of Licensing and Enforcement Officers and Lawyers in Local Government have done in this area. Their work has informed the guidance on previous convictions that is included in the

draft statutory guidance. The intention is that, subject to the outcome of the consultation, this will be included in national minimum standards.

TFG Recommendation 22

The Quality Assurance Framework and Common Law Police Disclosure Provisions must be reviewed to ensure as much relevant information of behaviours as well as crimes by taxi and PHV drivers (and applicants) is disclosed to and to ensure licensing authorities are informed immediately of any relevant incidents.

Government Response

- 3.20 Under section 113B (4) of the Police Act 1997, the legislation requires that the DBS requests that a relevant Chief Officer of police provide any information which he/she reasonable believes to be relevant and considers ought to be disclosed. The Quality Assurance Framework (QAF) is the decision-making tool used by the Disclosure Units of police and other law enforcement agencies when considering whether information should be disclosed or not for inclusion in Enhanced Disclosure and Barring Service certificates. This is overseen by the National Police Chiefs' Council (NPCC) as it relates to the statutory police role within the disclosure regime.
- 3.21 Under Common Law Police Disclosure provisions (CLPD), the police can use their common law powers for the prevention and detection of crime to proactively provide police intelligence or information to a third party (such as a licensing authority) where there is a public protection risk, to allow them to act swiftly to mitigate any danger. It is for Chief Police Officers to locally determine the implementation of CLPD provisions.
- 3.22 Government will discuss the provision of information with the NPCC with a view to ensuring that appropriate steps are being taken to provide relevant information to licensing authorities.

TFG Recommendation 23

All licensing authorities must use the National Anti-Fraud Network (NAFN) register of drivers who have been refused or had revoked taxi or PHV driver licence. All refusals and revocations must be recorded, and the register checked for all licence applications and renewals. Licensing authorities must retain the reasons for any refusal, suspension or revocation and provide those to other authorities as appropriate. The Government must, as a matter of urgency, bring forward legislation to mandate this alongside a national licensing database (recommendation 24).

Government Response

- 3.23 It is important that licensing authorities who are making a decision on whether to grant a taxi or PHV driver licence can do so in possession of all relevant facts, including whether the applicant has been refused or lost a licence in another area because of safety concerns. At present, there is no data sharing mechanism to make sure that such history is disclosed to them.

- 3.24 The Government supports the Private Member's Bill brought by Daniel Zeichner MP that would mandate licensing authorities to use such a database. The Government also welcomes the initiative of the LGA in setting up a voluntary database of drivers who have been refused or revoked licences. Any information obtained using data sharing methods like this must be used as an aid to local, independent decision making. The statutory guidance which is published for consultation alongside this response expands further on the Government's view.
- 3.25 In the longer term, the Government intends that information about drivers who have had licences refused or revoked would be one part of the wider-ranging national database discussed against the next recommendation (24).

TFG Recommendation 24

Government must establish a mandatory national database of all licensed taxi and PHV drivers, vehicles and operators, to support stronger enforcement.

Government Response

- 3.26 Government will legislate for the creation of a national taxi and private hire database, as a necessary accompaniment to national enforcement powers. Development of the database will take account of the work undertaken for the identification of taxis and PHVs for charging Clean Air Zone purposes.
- 3.27 It will assist in the effective application of national minimum standards by enabling suitably qualified local authority enforcement officers to take action against taxis and PHVs regardless of where they are licensed.
- 3.28 The establishment of a national licensing database will assist bodies such as licensing authorities and the police to communicate information in a timely manner, as it will enable them to quickly and accurately identify where a driver or vehicle are licensed. For example, this would assist the police in disclosing relevant information under the Common Law Police Disclosure powers.

TFG Recommendation 25

Licensing authorities must use their existing powers to require all drivers to undertake safeguarding / child sexual abuse and exploitation awareness training including the positive role that taxi/PHV drivers can play in spotting and reporting signs of abuse and neglect of vulnerable passengers. This requirement must form part of future national minimum standards.

Government Response

- 3.29 The Government welcomes this recommendation and the acknowledgement that such a requirement can be universally applied under powers already available to licensing authorities.
- 3.30 The draft statutory guidance which has been issued for consultation alongside this response includes a recommendation that licensees should be required to undertake safeguarding / child sexual abuse and exploitation awareness training.

- 3.31 In the longer term, the Government intends that this requirement would be included in national minimum standards.

TFG Recommendation 26

All individuals involved in the licensing decision making process (officials and councillors) must have to undertake appropriate training. The content of the training must form part of national minimum standards.

Government Response

- 3.32 It is important that councillors or officers making decisions about the suitability of licensing applicants are suitably trained and equipped to do so. Authorities may have very robust policies in place, but it is the practical application of these that provides protection to the public. Licensing officers may frequently be called on to make difficult decisions, such as revoking or refusing a licence conscious of the implications that decision may have on the applicant or licensee and their family. Licensing authorities must ensure that their decision makers are aware of the public protection role they have and that the overriding consideration is the safety of the public.
- 3.33 The draft statutory guidance which has been published for consultation alongside this response recommends that those charged with determining taxi and PHV licensing matters undertake appropriate training.
- 3.34 In the longer term the Government intends that the requirement for training would be included in national minimum standards.

TFG Recommendation 27

Government must review the assessment process of passenger carrying vehicle (PCV) licensed drivers and/or consider the appropriate licensing boundary between taxis/PHVs and public service vehicles (PSVs).

Government Response

- 3.35 The TFG report explains the current demarcation (i.e. seating capacity) and differing licensing processes between the PHV and Public Service Vehicle (PSV - minibuses, buses and coaches) regimes.
- 3.36 The Government attaches the utmost priority to passenger safety in the licenced taxi and PHV trade. The licensing regime for any transport mode must be reflective of the relative potential risk they might pose to the travelling public. It is not therefore acceptable that the PHV licensing regime may be evaded through the use for PHV bookings of drivers and vehicles which are not licensed for PHV purposes.
- 3.37 Where PHV operators also hold a PSV operator's licence, PSVs should not be used to fulfil bookings except with the informed consent of the hirer. For example, if a member of the public contacts a PHV operator and seeks a booking for a party of fewer than nine passengers, it cannot be reasonable to assume that a PSV is required unless there are other factors e.g. a large amount of baggage. If, for

example, a nine-seater minibus (a PSV) is necessary, the difference in licensing requirements should be explained and explicit consent obtained. Licensing authorities should use their existing powers to include as a condition of a PHV operator's licence that bookings received by that licence-holder must be fulfilled using a PHV licensed driver and vehicle. Authorities may then take appropriate steps to monitor and enforce compliance with the licence condition.

- 3.38 In the longer term, it will be important to consider as part of the Future of Mobility Grand Challenge what changing technologies and ways of working might mean for the differing regulatory frameworks applied to road transport in the UK, including whether the number of seats in a vehicle remains an appropriate way of deciding how to regulate.

TFG Recommendation 28

Licensing authorities must require that all drivers are able to communicate in English orally and in writing to a standard that is required to fulfil their duties, including in emergency and other challenging situations.

Government Response

- 3.39 Government supports this recommendation. Those that carry members of the public must be able to understand the needs of their passengers.
- 3.40 The draft statutory guidance which has been issued for consultation alongside this response recommends that licensing authorities require an English assessment (oral and written) for their licensees.
- 3.41 In the longer term, Governments intends that this requirement would be included in national minimum standards.

4. Accessibility

TFG Recommendation 29

All licensing authorities should use their existing powers to require that their taxi and PHV drivers undergo disability awareness and equality training. This should ultimately be mandated as part of national minimum standards.

Government Response

- 4.1 The Government supports this recommendation. Taxis and PHVs play a vital role in enabling disabled people to travel where other modes may not be available or accessible. The Department has, in previous best practice guidance, encouraged licensing authorities to use their powers to improve drivers' awareness of the needs of disabled people including by undertaking disability awareness training. This training should include awareness of less visible impairments, such as learning disabilities and dementia.
- 4.2 Licensing authorities have the powers to mandate this training. The TFG report highlights the low proportion of authorities (38% as of 31 March 2017, increasing to 41% as of 31 March 2018) which currently do so.
- 4.3 Since the Group submitted its report, Government has published the Inclusive Transport Strategy⁶ (ITS). The ITS includes a commitment to consult on updated best practice guidance which should better support licensing authorities to use their existing powers. In particular, we will recommend that authorities require taxi and PHV drivers to complete disability awareness and equality training, make it simple to report discrimination, and take robust action against drivers who have discriminated against disabled passengers.
- 4.4 In the longer term the Government intends that these training requirements will be included in national minimum standards.

TFG Recommendation 30

Licensing authorities that have low levels of Wheelchair Accessible Vehicles (WAVs) in their taxi and PHV fleet should ascertain if there is unmet demand for these vehicles. In areas with unmet demand licensing authorities should consider how existing powers could be used to address this, including making it mandatory to have a minimum number of their fleet that are WAVs. As a matter of urgency the Government's Best Practice Guidance should be revised to make appropriate recommendations to support this objective

⁶ <https://www.gov.uk/government/publications/inclusive-transport-strategy>

Government Response

- 4.5 The TFG report highlights the variation in the availability of wheelchair accessible vehicle (WAVs) across England. In over a quarter of authorities, 5% or fewer of taxis are wheelchair accessible, and this measure increases to nearly two-thirds of authorities for PHVs. It is however acknowledged that an entirely WAV fleet may not be beneficial to disabled passengers, most of whom are not wheelchair users.
- 4.6 In its comments in the annex to the TFG report, Transport for London comments on the difficulty in achieving a mixed PHV fleet as vehicles are often licensed by individuals rather than PHV operators to whom a quota might be more easily applied. The Local Government Association also noted that there may be practical barriers to mandating practicality minimum WAV numbers.
- 4.7 In the ITS Government stated a desire to see a much greater proportion of WAVs, particularly in non-urban areas, over the next 10 years. We will write to all local licensing authorities stressing the importance of supporting an inclusive taxi and PHV fleet.
- 4.8 We will continue to monitor the proportion of WAVs within overall taxi and PHV fleets, as reported in the annual DfT taxi and PHV statistics, and to seek clarification from authorities as to the steps they are taking to assess and respond to the local need for such vehicles.

TFG Recommendation 31

Licensing authorities which have not already done so should set up lists of Wheelchair Accessible Vehicles (WAVs) in compliance with s.167 of the Equality Act 2010, to ensure that passengers receive the protections which this provides.

Government Response

- 4.9 In 2017, the Government commenced sections 165 and 167 of the Equality Act 2010. Under Section 167 a licensing authority may publish a list of their licensed vehicles designated as wheelchair accessible; those vehicles are then required to apply the passenger protections in Section 165. These are to not charge more to a passenger in a wheelchair than to any other passenger, and to provide reasonable assistance (drivers may be exempted from the latter on medical grounds).
- 4.10 In the ITS, Government strongly encouraged licensing authorities to publish lists under section 167 of the Equality Act 2010 to ensure that wheelchair users are protected from discriminatory behaviour. The ITS also committed Government to:
- From autumn 2019 publish on an annual basis a list of those authorities which we know to have issued a list of taxis and PHVs designated as being wheelchair accessible in accordance with Section 167 of the Equality Act 2010;
 - Continue to encourage local licensing authorities, which have not already done so, to publish lists of taxis and PHVs designated as wheelchair accessible under Section 167 of the Equality Act 2010, and to inform the Department that they have done so.

TFG Recommendation 32

Licensing authorities should use their existing enforcement powers to take strong action where disability access refusals are reported, to deter future cases. They should also ensure their systems and processes make it as easy as possible for passengers to report disability access refusals.

Government Response

- 4.11 The TFG report notes the findings of a recent survey of guide dog owners which identified that almost half (42%) had experienced a refusal to enter a taxi or PHV in the previous year because of their dog. The Government agrees that this is unacceptable.
- 4.12 In the ITS we committed to undertake research to identify why the risk of fines and the loss of a driver's taxi or PHV licence appear insufficient in some circumstances to prevent them from discriminating against assistance dog owners. It is obvious that prevention of illegal refusals is preferable to retrospective sanctions, which do little to rebuild the confidence of assistance dog users who have been subject to illegal refusals. We will therefore use evidence from this research to inform ways in which training can play a role in preventing refusals occurring. As set out in response to recommendation 29 of the TFG report, Government intends to include disability awareness and equality training in national minimum standards.
- 4.13 The Government agrees that those that refuse to meet their legal obligation under Sections 168 and 170 of the Equality Act 2010 should be subject to enforcement action. We have stated in the ITS that licensing authorities should use the powers available to them, and take robust action against those who have discriminated illegally against disabled passengers.

5. Working conditions

TFG Recommendation 33

The low pay and exploitation of some, but not all, drivers is a source of concern. Licensing authorities should take into account any evidence of a person or business flouting employment law, and with it the integrity of the National Living Wage, as part of their test of whether that person or business is "fit and proper" to be a PHV operator.

Government Response

- 5.1 The TFG report acknowledges that the group did not have the expertise, nor was it within its scope, to determine the employment status of drivers. This is also true of licensing authorities; only the courts can make rulings on employment status.
- 5.2 However, the Government agrees that the decisions of tribunals, and whether an operator concerned is complying with a ruling in the way the law requires, should reasonably be considered by a licensing authority as part of the 'fit and proper' test for a PHV operator. It is unacceptable for business not to comply with and deny workers their statutory employment rights - such as the appropriate National Minimum Wage rate or National Living Wage - and if a business deliberately does so in disregard of what is required of them, this calls into question whether they are fit and proper to be licensed.
- 5.3 As the TFG report also notes, the current high-profile debate on employment status goes beyond the taxi and PHV sector. The Good Work Plan, published in December 2018, states Government will legislate to improve the clarity of the employment status tests, reflecting the reality of modern working relationships.

TFG Recommendation 34

Government should urgently review the evidence and case for restricting the number of hours that taxi and PHV drivers can drive, on the same safety grounds that restrict hours for bus and lorry driver.

Government Response

- 5.4 The TFG report explains that although the group did not receive independent evidence of the number of hours drivers are working (or, more specifically, driving), the current lack of regulation of working hours for taxi and PHV drivers may potentially be a cause for concern.

- 5.5 The report also acknowledges that there may be monitoring and enforcement problems to enforcing such limits. This is particularly the case in a sector where currently the majority of drivers are self-employed.
- 5.6 In the first instance, in order to assess the scale of the issue, the Government will engage informally with sector stakeholders to determine whether it is possible to more accurately assess the hours drivers are working, and whether there is a trend for working more or excessive hours. The Government is mindful not just of road safety, but also of the need to avoid burdensome, yet difficult to enforce, regulation.



Department
for Transport

Taxi and Private Hire Vehicle Licensing: Protecting Users

Statutory Guidance for Licensing Authorities

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1. Introduction

- 1.1 The Department first issued Best Practice Guidance to assist those licensing authorities in England and Wales that have responsibility for the regulation of the taxi and private hire vehicle (PHV) trades in 2006. Following consultation with stakeholders, taking into account their feedback on the original version, the Guidance was revised and updated in 2010.
- 1.2 There is evidence to support the view that taxis and PHVs are a high-risk environment. In terms of risks to passengers, this can be seen in the number of sexual crimes reported which involve taxi and PHV drivers. Data from Greater Manchester¹ and Merseyside² on reported sexual assaults suggest that, if similar offence patterns are applied across England, 623 sexual assaults per year are reported. These figures do not however account for the under reporting of crime which is estimated to be as high as 83% in the Crime Survey for England and Wales³.
- 1.3 The Policing and Crime Act 2017 enables the Secretary of State for Transport to issue Statutory Guidance on exercising taxi and PHV licensing functions to protect children and vulnerable individuals who are over 18 from harm when using these services. For the purposes of this guidance, a child is defined as anyone who has not yet reached their 18th birthday; and the term “vulnerable individual” has the same meaning as the definition of a ‘vulnerable adult’ for the purpose of section 42 of the Care Act 2014⁴, which applies where a local authority has reasonable cause to suspect that an adult in its area (whether or not ordinarily resident there):
- (a) has needs for care and support (whether or not the authority is meeting any of those needs),
 - (b) is experiencing, or is at risk of, abuse or neglect, and
 - (c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.
- 1.4 There is consensus that common core minimum standards are required to regulate better the taxi and PHV sector, and the recommendations in this document are the result of detailed discussion and consideration. **The Department therefore expects these recommendations to be implemented unless there is compelling local reason not to.**

1 https://www.whatdotheyknow.com/request/sex_attacks_2

2 https://www.whatdotheyknow.com/request/taxi_private_hire_related_rapes#incoming-286178

3 <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/sexualoffencesinenglandandwales/yearendingmarch2017#main-points>

4 <http://www.legislation.gov.uk/ukpga/2014/23/section/42/enacted>

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- 1.5 It should be noted that as policing and criminal justice is not a devolved matter, the Statutory Guidance issued under the Policing and Crime Act 2017 will continue to have effect in Wales although responsibility for taxis and PHVs was devolved to the Welsh Assembly in April 2018. Should the Welsh Government introduce legislation to regulate the sector, this guidance would however cease to apply.
- 1.6 All local authorities and district councils that provide children’s and other types of services, including licensing authorities, have a statutory duty to make arrangements to ensure that their functions and any services that they contract out to others are discharged having regard to the need to safeguard and promote the welfare of children. This means that licensing authorities should have in place arrangements that reflect the importance of safeguarding and promoting the welfare of children. This includes clear whistleblowing procedures, safe recruitment practices and clear policies for dealing with allegations against people who work with children, as set out in the *Working Together to Safeguard Children*⁵ statutory guidance.
- 1.7 This new Statutory Guidance reflects the significant changes in the industry and lessons learned from experiences in local areas since the Department’s Best Practice Guidance was last updated. This includes extensive advice on checking the suitability of individuals and operators to be licensed; safeguarding children and vulnerable adults; the Immigration Act 2016 and Common Law Police Disclosure (which replaced the Notifiable Occupations Scheme).
- 1.8 This Statutory Guidance replaces relevant sections of the Best Practice Guidance issued by the Department in 2010. A consultation on revised Best Practice Guidance, which focuses on recommendations to licensing authorities to assist them in setting appropriate standards (other than those relating to passenger safety) to enable the provision of services the public demand, will be taken forward once the final Statutory Guidance has been issued.

Terminology

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

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

⁵ <https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>

2. Statutory Guidance

Consideration of the Statutory Guidance

- 2.1 The Government set out in the Modern Crime Prevention Strategy⁶ the evidence that where Government, law enforcement, businesses and the public work together on prevention, this can deliver significant and sustained cuts in certain crimes. That is good news for victims and communities and it makes clear economic sense too.
- 2.2 The Strategy committed to protect children and young people from the risk of child sexual abuse and exploitation (CSAE), by working with local authorities to introduce rigorous taxi and PHV licensing regimes. Both the Jay⁷ and Casey⁸ reports on CSAE highlighted examples of taxi/PHV drivers being directly linked to children that were abused, including instances when children were picked up from schools, children's homes or from family homes and abused, or sexually exploited.
- 2.3 The Casey Report made clear that weak and ineffective arrangements for taxi and PHV licensing had left the children and public at risk. The Department for Transport has worked with the Home Office, Local Government Association (LGA), personal safety charities, trade unions and trade bodies, holding workshops, forums, and sharing evidence and good practice with local authorities to assist in the formulation of this Statutory Guidance.
- 2.4 This Statutory Guidance is published by the Secretary of State for Transport under section 177(1) of the Policing and Crime Act 2017 following consultation in accordance with section 177(5).
- 2.5 The Guidance sets out a framework of policies that, under section 177(4), licensing authorities “**must have regard**” to when exercising their functions. These functions include developing, implementing and reviewing their taxi and PHV licensing regimes. “Having regard” is more than having a cursory glance at a document before arriving at a preconceived conclusion.
- 2.6 “Having regard” to guidance requires public authorities, in formulating a policy, to give considerations the weight which is proportionate in the circumstances. **Given that this is statutory guidance issued directly to address the safeguarding of the public and the potential impact of failings in this area, the importance of thoroughly considering these recommendations cannot be overestimated.** It is not a question of box ticking; the recommendations must be considered rigorously and with an open mind.
- 2.7 Although it remains the case that licensing authorities must reach their own decisions, both on overall policies and on individual licensing matters in light of the relevant law, it may be that this Guidance might be drawn upon in any legal

⁶ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/509831/6.1770_Modern_Crime_Prevention_Strategy_final_WEB_version.pdf

⁷ https://www.rotherham.gov.uk/downloads/file/1407/independent_inquiry_cse_in_rotherham

⁸ <https://www.gov.uk/government/publications/report-of-inspection-of-rotherham-metropolitan-borough-council>

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challenge to an authority’s practice, and that any failure to adhere to the Guidance without sufficient justification could be detrimental to the authority’s defence. **In the interest of transparency however, the Department encourages all licensing authorities to publish their consideration of the recommendations contained in this Guidance and the policies and delivery plans that stem from these. The Department has already undertaken to monitor the effectiveness of the Statutory Guidance in achieving an appropriately high level of standards in taxi and PHV licensing with regard to the protection of passengers.**

- 2.8 This Guidance does not purport to give a definitive statement of the law and any decisions made by a licensing authority remain a matter for that authority.

Licensing policy

- 2.9 The Department encourages licensing authorities to create a cohesive policy document that brings together all their procedures on taxi and PHV licensing. This should include but not be limited to policies on convictions, a ‘fit and proper’ person test, licence conditions and vehicle standards.
- 2.10 When formulating a taxi and PHV policy, the primary and overriding objective must be to protect the public. The importance of ensuring that the licensing regime protects the vulnerable cannot be overestimated. This was highlighted in the report by Dame Louise Casey CB of February 2015 on safeguarding failings⁹.

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

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

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

9

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/401125/46966_Report_of_Inspection_of_Rotherham_WEB.pdf

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

Fit and proper test

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

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

- 2.15 If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.
- 2.16 Licensing authorities have to make difficult decisions but (subject to the points made in paragraph 2.19 below) the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that **an applicant or licensee should not be 'given the benefit of doubt'**. If the committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can therefore include information that goes beyond criminal convictions.

Administration of the licensing framework

- 2.17 A policy is only as effective as the way it is administered. The taxi and PHV licensing functions of local councils are non-executive functions i.e. they are functions of the council rather than the executive (such as the Cabinet). The functions include the determination of licence applications, reviews and renewals, along with the attachment of conditions where considered appropriate. The function may be delegated to a committee, a sub-committee or an officer – which should be set out within a clear scheme of delegation.
- 2.18 It is essential that all those involved in the determination of licensing matters have received sufficient training and are adequately resourced to allow them to discharge the function effectively and correctly. The Department for Transport

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supports the recommendation of the LGA that, as a minimum, training should cover licensing procedures, natural justice, understanding the risks of CSAE and disability and equality awareness in addition to any other issues deemed appropriate. Training should not simply relate to procedures, but should also cover the making of difficult and potentially controversial decisions – the use of case study material can be helpful to illustrate this. All training should be formally recorded by the licensing authority and require a signature from the person that has received the training. Training is available from a number of organisations including the Institute of Licensing and the LGA can assist in the development of training packages.

2.19 Public safety is the paramount consideration but the discharge of licensing functions must be undertaken in accordance with the following general principles:

- policies should be used as internal guidance, and should be supported by a member/officer code of conduct.
- any implications of the Human Rights Act should be considered.
- the rules of natural justice should be observed.
- decisions must be reasonable and proportionate.
- where a hearing is required it should be fairly conducted and allow for appropriate consideration of all relevant factors.
- decision makers must avoid bias (or even the appearance of bias) and predetermination.

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

2.21 It is considered that this approach also ensures the appropriate level of separation between decision makers and those that investigate complaints against licensees, and is the most effective method in allowing the discharge of the functions in accordance with the general principles referred to in 2.19. In particular, the Committee/Board model allows for:

- Each case to be considered on its own merits. It is rare for the same councillors to be involved in frequent hearings – therefore the councillors involved in the decision making process will have less knowledge of previous decisions and therefore are less likely to be influenced by them. Oversight and scrutiny can be provided in relation to the licensing service

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generally, which can provide independent and impartial oversight of the way that the functions are being discharged within the authority.

- Clear separation between investigator and the decision maker – this demonstrates independence, and ensures that senior officers can attempt to resolve disputes in relation to service actions without the perception that this involvement will affect their judgement in relation to decisions made at a later date.

2.22 Avoidance of bias or even the appearance of bias is vital to ensuring good decisions are made and instilling and/or maintaining confidence in the licensing regime by passengers and licensees. Unlike officers, elected members are not usually involved in the day to day operation of the service and as such do not have relationships with licence holders that may give the impression that the discharge of a function is affected by the relationship between the decision maker and the licence holder.

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

2.24 Regardless of which approach is adopted, all councils should consider arrangements for dealing with serious matters that may require the immediate revocation of a licence. It is recommended that this role is delegated to a senior officer/manager with responsibility for the licensing service.

Whistleblowing

2.25 The past failings of licensing regimes must never be repeated. The Department has carefully considered the measures contained in this Guidance and believe that these should be put in to practice and administered appropriately to mitigate the risk posed to the public. The purpose of this Guidance is to protect children and vulnerable adults, and by extension the wider public, when using taxis and PHVs. However, it is in the application of these policies (and the training and raising of awareness among those applying them) that protection will be provided. Where there are concerns that policies are not being applied correctly, it is vital that these can be raised, investigated

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and remedial action taken if required. It is therefore recommended that licensing authorities have effective internal procedures for staff to raise concerns and procedures in place for any concerns to be dealt with openly and fairly.

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

- 2.26 The external investigation in South Ribble concluded “*that there had been a lack of awareness and priority given to safeguarding and the safety of taxi [and PHV] passengers in the manner in which licensing issues were addressed*”. We are pleased to note that the report concludes¹⁰, “*The Council have been active at every stage in responding to issues and concerns identified. It has taken steps to address operational issues in the licensing function and has engaged fully with other agencies in so doing. In the light of the above, it is not necessary to make any further recommendations.*”
- 2.27 It is hoped that all licensing authorities will have learnt from these mistakes but to prevent a repeat, local authorities should ensure they have an effective ‘whistleblowing’ policy and that all staff are aware of it. If a worker is aware of, and has access to, effective internal procedures for raising concerns then ‘whistleblowing’ is unlikely to be needed.
- 2.28 The Public Interest Disclosure Act 1998 (PIDA), commonly referred to as whistleblowing legislation, provides protection for those that have a reasonable belief of serious wrongdoing, including failure to comply with professional standards, council policies or codes of practice/conduct. The PIDA is part of employment law. In the normal course of events, if a worker reveals information that his employer does not want revealed it may be a disciplinary offence. If someone leaked their employer’s confidential information to the press, they might expect to be dismissed for that. The PIDA enables workers who ‘blow the whistle’ about wrongdoing to complain to an employment tribunal if they are dismissed or suffer any other form of detriment for doing so. It is a qualified protection and certain conditions would have to be met for the worker to be protected.

Implementing changes to licensing policy and requirements

- 2.29 It is important to remember that any changes in licensing requirements should be followed by a review of the licences already issued. If the need to change licensing requirements has been identified, this same need is applicable to those already in possession of a licence. That is not however to suggest that licences should be automatically revoked overnight, for example if a vehicle specification is changed it is proportionate to allow those that would not meet

¹⁰ http://www.southribble.gov.uk/sites/default/files/FINAL_REPORT_JUNE_2016.pdf

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the criteria to have the opportunity to adapt or change their vehicle. The same pragmatic approach should be taken to driver licence changes - if requirements are changed to include a training course or qualification, a reasonable time should be allowed for this to be undertaken or gained. The implementation schedule of any changes that affect current licence holders must be transparent and communicated promptly and clearly.

- 2.30 Where a more subjective change has been introduced, for example an amended policy on previous convictions, licensing authority must still consider each case on its own merits. Where there are exceptional, clear and compelling reasons to deviate from a policy, licensing authorities are able to do so. Licensing authorities should record the reasons for any deviation from the policies in place.

The Disclosure and Barring Service

- 2.31 The Disclosure and Barring Service (DBS) provides access to criminal record information through its disclosure service for England and Wales. The DBS also maintains the lists of individuals barred from working in regulated activity with children or adults. The DBS makes independent barring decisions about people who have harmed, or where they are considered to pose a risk of harm to a child or vulnerable person within the workplace. The DBS enables organisations in the public, private and voluntary sectors to make safer employment decisions by identifying candidates who may be unsuitable for certain work, especially that which involves vulnerable groups including children. Licensing authorities are entitled to request an enhanced criminal record certificate with check of the barred lists from the DBS for all driver licence holders or applicants.
- 2.32 The DfT's 2018 survey of taxi and PHV licensing authorities¹¹ shows that all licensing authorities in England and Wales have a requirement that an enhanced DBS check is undertaken at first application or renewal. The Department considers that all licensing authorities should also request a check of the barred lists in addition to the enhanced DBS check, for individuals applying for or renewing taxi and PHV driver licences.
- 2.33 Enhanced certificates with check of the barred lists include details of spent and unspent convictions recorded on the Police National Computer (PNC), any additional information which a chief officer of police believes to be relevant and ought to be disclosed, as well as indicating whether the individual is barred from working in regulated activity with children or adults. The filtering rules allow for certain old and minor convictions to be removed from a DBS certificate after an appropriate period has passed, but they do not allow filtering where an individual has more than one conviction, has received a custodial sentence or has committed a specified serious offence such as those involving child sexual abuse. Full details of the filtering rules, and those offences which may never be filtered, are available from the DBS¹². As well as convictions and cautions, an

¹¹ <https://www.gov.uk/government/statistics/taxi-and-private-hire-vehicle-statistics-england-2018>

¹² <https://www.gov.uk/government/collections/dbs-filtering-guidance>

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enhanced certificate may include additional information which a chief police officer reasonably believes is relevant and ought to be disclosed. Chief police officers must have regard to the detailed statutory guidance¹³ when considering disclosure. The information provided at each level of DBS checks is summarised in table 1.

- 2.34 It should be noted that licensing authorities must not seek to circumvent the legitimate filtering of previous criminal convictions and other information held by the DBS. The appropriate way of accessing an individual's criminal records is through an enhanced DBS and barred lists check.
- 2.35 Whilst data protection legislation¹⁴ gives individuals (or data subjects) a 'right of access' to the personal data that an organisation holds about them, you must not require an individual to exercise their subject access rights so as to gain information about any convictions and cautions. This is an offence under data protection legislation.
- 2.36 Driving a taxi or PHV is not, in itself, a regulated activity. This means that an individual subject to barring would not be legally prevented from being a taxi or PHV driver but the licensing authority should take an individual's barred status into account alongside other information available. It is the Department's opinion that, in the interests of public safety, licensing authorities should not, as part of their policies, issue a licence to any individual that appears on either barred list. Should a licensing authority consider there to be exceptional circumstances which means that, based on the balance of probabilities they consider an individual named on a barred list to be 'fit and proper', the reasons for reaching this conclusion should be recorded.
- 2.37 Drivers working under an arrangement to transport children may be working in 'regulated activity' as defined by the Safeguarding Vulnerable Groups Act 2006¹⁵. It is an offence to knowingly allow a barred individual to work in regulated activity. The guidance on home-to school travel and transport¹⁶ issued by the Department for Education should be considered alongside this document. Please see DBS guidance on driver eligibility and how to apply.

13 <https://www.gov.uk/government/publications/statutory-disclosure-guidance>

14 the full range of data protection legislation, not just the Data Protection Act 2018 or General Data Protection Regulation (GDPR)

15 <https://www.legislation.gov.uk/ukpga/2006/47/contents>

16 <https://www.gov.uk/government/publications/home-to-school-travel-and-transport-guidance>

INFORMATION INCLUDED IN CRIMINAL RECORD CHECKS				
Information included	Type of check			
	Basic	Standard DBS	Enhanced DBS	Enhanced DBS (including barred list check)
Unspent convictions	Yes	Yes	Yes	Yes
Unspent cautions ¹	Yes	Yes	Yes	Yes
Spent convictions ²	No	Yes	Yes	Yes
Spent cautions ^{1&2}	No	No	Yes	Yes
Additional police Information ³	No	No	Yes	Yes
Barred list(s) Information ⁴	No	No	No	Yes

Table 1

1. Cautions include reprimands and warnings, but not fixed penalty notices, penalty notices for disorder or any other police or other out-of-court disposals.
2. Spent convictions and cautions that have become protected under the Rehabilitation of Offenders Act 1974 (Exceptions Order) 1975, as amended, are not disclosed on any level of certificate. Further guidance is available at <https://www.gov.uk/government/publications/dbs-filtering-guidance/dbs-filtering-guide>.
3. This is any additional information held by the police which a chief police officer reasonably believes to be relevant and considers ought to be disclosed.
4. This is information as to whether the individual concerned is included in the children’s or adults’ barred lists maintained by the Disclosure and Barring Service (DBS).

DBS update service

- 2.38 Licensing authorities should make use of the DBS update service. This subscription service allows licensees to keep their DBS certificates up to date online and, with the individual's consent, allows licensing authorities (as a nominee) to check the status of a certificate online at any time. Subscription to the service removes the need for repeat checks, reduces the administrative burden and mitigates potential delays in relicensing. Licensees should be required to evidence continuous registration and nomination throughout the period of the licence.
- 2.39 The DBS will search regularly to see if any relevant new information has been received since the certificate was issued. The frequency varies depending on the level and type of DBS certificate. For criminal conviction and barring information, the DBS will search for updates on a weekly basis. For non-conviction information, the DBS will search for updates every nine months. Licensing Authorities should therefore consider routinely checking the DBS certificates of their licence holders, for example every six months.
- 2.40 Licensing authorities are able to request large numbers of status checks on a daily basis. The DBS has developed a Multiple Status Check facility that can be accessed via a web service. The Multiple Status Check facility enables organisations to make an almost unlimited number of Status Checks simultaneously. Further information on the Multiple Status Check facility is available from the DBS.¹⁷ As discussed above, for taxi and PHV driver licensing purposes the recommended level of check is always the enhanced level with check of the adult and children Barred lists. Other Workforce should always be entered at X61 line 1 and Taxi Licensing should be entered at X61 line 2.

Licensee self-reporting

- 2.41 As discussed above, the DBS update service is a valuable tool in discharging a licensing authority's duty to ensure that licence holders are fit to hold a licence. However, the routine checking of the DBS record should be in addition to a requirement that licence holders notify the issuing authority within 48 hours of an arrest and release, charge or conviction of any motoring offence, or any offence involving dishonesty, indecency or violence. An arrest for any of the offences within this scope should result in a review by the issuing authority as to whether the licence holder is fit to continue to do so. This must not however be seen as a direction that a licence should be withdrawn; it is for the licensing authority to consider what, if any, action in terms of the licence should be taken based on the balance of probabilities.
- 2.42 Importantly, a failure by a licence holder to disclose an arrest that the issuing authority is subsequently advised of, would be a breach of a licence condition and might therefore be seen as behaviour that questions honesty and

¹⁷ <https://www.gov.uk/government/publications/dbs-update-service-multiple-status-checking-guide>

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therefore the suitability of the licence holder regardless of the outcome of the initial allegation.

Referrals to DBS and the police

2.43 In some circumstances it may be appropriate under the Safeguarding Vulnerable Groups Act 2006 for licensing authorities to make referrals to the DBS; for example, a decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, should be referred to the DBS. The power for the licensing authority to in this context arises from the undertaking of a safeguarding role. Further guidance has been provided by the DBS¹⁸.

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

- an individual has harmed or poses a risk of harm to a child or vulnerable adult;
- an individual has satisfied the ‘harm test’; or
- received a caution or conviction for a relevant offence and;
- the person they are referring is, has or might in future be working in regulated activity;
- the DBS may consider it appropriate for the person to be added to a barred list.

2.45 These referrals may result in the person being added to a barred list and enable other licensing authorities to consider this should further applications to other authorities be made. Further information on referrals to DBS is available¹⁹.

2.46 To aid further the quality of the information available to all parties that have a safeguarding duty, a revocation or refusal on public safety grounds should also be advised to the police.

Overseas convictions

2.47 **The DBS cannot access criminal records held overseas.** Therefore, a DBS check may not provide a complete picture of an individual’s criminal record where there have been periods living or working overseas. A licensing authority should ensure they have access to all the information available to them when making a decision whether to grant a licence, particularly when an applicant has previously lived outside the UK. It should be noted that it is the character of the applicant as an adult that is of interest, therefore a period outside the UK before

18 <https://www.gov.uk/government/publications/dbs-barring-referrals-local-authority-referral-duty-and-power/referral-duty-and-power-for-local-authorities-and-regulatory-bodies#local-authorities-as-regulated-activity-providers>

19 <https://www.gov.uk/guidance/making-barring-referrals-to-the-dbs>

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the age of 18 may not be relevant. For information on applying for overseas criminal record checks or ‘Certificates of Good Character’ please see the Home Office guidance²⁰. Licensing authorities should seek criminal records information from overseas when an applicant has previously lived outside the UK for a period of more than three continuous months to properly assess risk and support the decision making process.

- 2.48 Where an individual is aware that they have committed an offence overseas which may be equivalent to those listed, they should seek independent expert or legal advice to ensure that they provide information that is truthful and accurate.

Conviction policy

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

- 2.50 Engagement with licensing authorities identified that greater direction from the Department was sought and in some cases required. The Department did not make specific recommendations regarding the assessment of convictions in the 2010 update of the Best Practice Guidance. In response to concerns raised by stakeholders and to assist in greater consistency in licensing, Annex A provides the Department’s recommendations on this issue. This draws on the work of the Institute of Licensing, in partnership with the LGA, the National Association of Licensing Enforcement Officers (NALEO) and Lawyers in Local Government, in publishing its guidance on determining the suitability of taxi and PHV licensees²¹. These periods should be taken as a minimum before a licence should be granted or renewed in all but truly exceptional circumstance. The Department’s view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain a licence. Authorities are however reminded that each case must be considered on its own merits, and applicants are entitled to a fair and impartial public hearing of their application if required.

Common Law Police Disclosure

- 2.51 The DBS is not the only source of information that should be considered as part of a fit and proper assessment for the licensing of taxi and PHV drivers.

²⁰ <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

²¹ [https://instituteoflicensing.org/documents/Guidance_on_Suitability_Web_Version_\(16_May_2018\).pdf](https://instituteoflicensing.org/documents/Guidance_on_Suitability_Web_Version_(16_May_2018).pdf)

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Common Law Police Disclosure ensures that where there is a public protection risk, the police will pass information to the employer or regulatory body to allow them to act swiftly to mitigate any danger.

- 2.52 Common Law Police Disclosure replaced the Notifiable Occupations Scheme (NOS) in March 2015 and focuses on providing timely and relevant information which might indicate a public protection risk. Information is passed on at arrest or charge, rather than on conviction which may be some time after, allowing any measures to mitigate risk to be put in place immediately.
- 2.53 The new procedure provides robust safeguarding arrangements while ensuring only relevant information is passed on to employers or regulatory bodies. We would therefore strongly recommend that licensing authorities maintain close links with the police to ensure effective and efficient information sharing procedures and protocols are in place and are being used.

Other information

- 2.54 The LGA's Councillors' Handbook on taxi and private hire vehicle (PHV) licensing²² advises that those responsible for licensing should *“communicate regularly with licensing committees and officers in neighbouring councils to ensure critical information is shared and that there is a consistency and robustness in decision-making. By working together, local government can make sure that this vital service is safe, respected, and delivering for local communities.”*
- 2.55 The police are an invaluable source of intelligence when assessing whether a licensing applicant is a 'fit and proper' person. It is vital that licensing authorities have a partnership with the police service to ensure that appropriate information is shared as quickly as possible. As part of building an effective working relationship between the licensing authority and the police we strongly recommend that action taken as a result of information received is fed-back to the police. Increasing the awareness among police forces of the value licensing authorities place on the information received, particularly on non-conviction intelligence, will assist furthering these relationships and reinforce the benefits of greater sharing of information.
- 2.56 This relationship can be mutually beneficial, assisting the police to prevent crime. The police can gain valuable intelligence from drivers and operators, for example, the identification of establishments that are selling alcohol to minors or drunks, or the frequent transportation of substance abusers to premises.
- 2.57 As has been stated elsewhere in this guidance, obtaining the fullest information minimises the doubt as to whether an applicant or licensee is 'fit and proper'. An obvious source of relevant information is any previous licensing history. Applicants should therefore be required to disclose if they hold or have previously held a licence with another authority. An applicant should also be required to disclose if they have had an application for a licence refused, or a licence revoked or suspended by any other licensing authority. For this process

²² <https://www.local.gov.uk/councillor-handbook-taxi-and-phv-licensing>

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to be beneficial, all licensing authorities must keep a complete and accurate record as to the reasons for refusal, suspension or revocation of a licence in order that this might be shared if requested and appropriate to do so.

- 2.58 The LGA's Taxi and PHV licensing Councillors' handbook²³ advises that Councils should meet or communicate regularly with licensing committees and officers in neighbouring councils to ensure critical information is shared. While this approach may aid consistency and robustness in decision-making within regions, it has obvious inherent limitations as it is unlikely such protocols could be established between all licensing authorities. The LGA commissioned the National Anti-Fraud Network to develop a national register of taxi and PHV driver licence refusals and revocations (the register is known as 'NR3'). The use of tools such as NR3 by licensing authorities to share information on a more consistent basis would mitigate the risk of non-disclosure of relevant information by applicants.
- 2.59 Data protection legislation provides exemption from the rights of data subjects for the processing of personal data in connection with regulatory activities. This includes taxi and PHV driver licensing. The exemption applies only to information processed for the core regulatory activities of appropriate organisations; it may not be used in a blanket manner. The exemption applies only to the extent that the application of the rights of data subjects to the information in question would be likely to prejudice the proper discharge of the regulatory functions. The Information Commissioner's Office has published guidance to assist organisations to fully understand their obligations and suggest good practice²⁴.
- 2.60 If notification under paragraph 2.57 or 2.58 of a refused or revoked license is disclosed, the relevant licensing authority should be contacted to establish when the licence was refused, suspended or revoked and the reasons why. The information disclosed can then be taken into account in determining the applicant's fitness to be licensed. The relevance of the reason for refusing/revoking a licence must be considered. For example, if any individual was refused a licence for failing a local knowledge test, it does not have any safeguarding implications. Conversely, a revocation or refusal connected to indecency would.
- 2.61 Should a licensing authority receive information that a licence holder did not disclose the information referred to in paragraph 2.57, for example by checking the NR3 register, the authority should consider whether the non-disclosure represents dishonesty and should therefore review whether the licence holder remains 'fit and proper'.

Multi-agency Safeguarding Hub (MASH)

- 2.62 Multi-Agency Safeguarding Hubs are a way to improve the safeguarding response for children and vulnerable adults through better information sharing and high quality and timely safeguarding responses. MASHs (or similar models)

²³ <https://www.local.gov.uk/councillor-handbook-taxi-and-phv-licensing>

²⁴ <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/>

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should operate on three common principles: information sharing, joint decision making and coordinated intervention.

- 2.63 The Home Office report on Multi Agency Working and Information Sharing²⁵ recommended that effective multi-agency working still needs to become more widespread. The Children’s Commissioner’s 2013 Inquiry into Child Sexual Exploitation in Gangs and Groups²⁶ found that both police and local authorities still identified the inability to share information as a key barrier to safeguarding children from sexual abuse and exploitation.
- 2.64 The Department recommends all licensing authorities should establish a means to facilitate the objectives of a MASH. As has been emphasised throughout this guidance, one of the most effective ways to minimise the risk to children and vulnerable adults when using taxis and PHVs is to ensure that decisions on licensing individuals are made with the fullest knowledge possible.

Complaints against licensees

- 2.65 The LGA recommends that all councils should have a robust system for recording complaints, including analysing trends across the whole system as well as complaints against individual licensees²⁷. Licensees with a high number of complaints made against them should be contacted by the licensing authority and concerns raised with the driver and operator (if appropriate). Further action in terms of the licence holder must be determined by the licensing authority, which could include no further action, the offer of training, a formal review of the licence, or formal enforcement action.
- 2.66 Licensing authorities should produce guidance for passengers on making complaints directly to the licensing authority that **must** be available on their website and displayed in licensed vehicles. This is likely to result in additional work for the licensing authority but has the advantage of ensuring consistency in the handling of complaints. Currently, it is more likely that a complaint against a taxi driver would be made directly to the licensing authority whereas a complaint against a PHV driver is more likely to be made to the operator. An effective partnership in which operators can share concerns regarding drivers is also encouraged. A systematic recording of complaints will provide a further source of information to consider when renewing a licence for a driver or operator or identify problems during the period of the licence.
- 2.67 Importantly, this approach will assist in the directing of complaints and information regarding the behaviour of drivers who may be carrying a passenger outside of the area in which the driver is licensed to the authority that issued the licence. In order for this to be effective licensing authorities must ensure that drivers are aware of a requirement to display information on how to complain and take appropriate sanctions against those that do not comply with this requirement.

²⁵ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/338875/MASH.pdf

²⁶ https://www.childrenscommissioner.gov.uk/wp-content/uploads/2017/07/If_only_someone_had_listened.pdf

²⁷ <https://www.local.gov.uk/councillor-handbook-taxi-and-phv-licensing>

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2.68 CCTV footage of an incident can provide an invaluable insight, providing an ‘independent witness’ to an event. This can assist in the decision whether to suspend or revoke a licence. The potential benefits of mandating CCTV in vehicles is discussed in paragraphs 2.104 - 2.106.

Duration of licences

2.69 The Local Government (Miscellaneous Provisions) Act 1976 (as amended) sets a standard length at three years for taxi and PHV drivers and five years for PHV operators. Any shorter duration should only be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case. Such circumstances could include where the licensing authority considers that a probationary period is necessary or where required (e.g. when the licence holder’s leave to remain in the UK is time-limited) or when the licence is only required to meet a short-term demand.

2.70 A previous argument against this length of licence was that a criminal offence might be committed, and not notified, during this period; this can of course also be the case during the duration of a shorter licence. This risk can be mitigated by requiring licensees to subscribe to the DBS update service as discussed in paragraphs 2.38 – 2.40 and authorities to undertake regular interim checks. To help authorities monitor licensees’ suitability, police forces should inform licensing authorities when they believe a licensee presents a risk to the travelling public. Paragraphs 2.51 - 2.53 provide further information about this process.

Safeguarding awareness

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

2.72 It is the Department’s recommendation that licensing authorities provide safeguarding advice and guidance to the trade and that taxi and PHV drivers are required to undertake safeguarding training. This is often produced in conjunction with the police and other agencies. These programmes have been developed to help drivers and operators:

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

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2.73 In February 2018, the Department for Education (DFE) launched phase 3 of its nationwide campaign – ‘Together we can tackle child abuse’. Building on phases 1 and 2, which ran in 2016 and 2017, it aims to increase public understanding of how to recognise and report child abuse and neglect. The DfE has developed an online toolkit²⁸ of material for local authorities, charities and other organisations to use to support the campaign.

Other forms of exploitation – ‘County lines’ drug trafficking

2.74 Victims of exploitation may not appear as such at first sight. 74% of police forces noted the exploitation of vulnerable people (including children) by gangs and organised criminal networks involved in trafficking illegal drugs within the UK²⁹ to move and store drugs and money across the country, often from urban areas to regional locations. They will frequently use coercion, intimidation, violence (including sexual violence) and weapons. This gang activity (known as county lines), and the associated violence, drug dealing and exploitation has a devastating impact on young people, vulnerable adults and local communities.

2.75 The National Crime Agency’s updated annual threat assessment of county lines reported that county lines groups are using taxis and PHVs as a method of transportation. In that assessment, 33% of police forces in England and Wales (14 forces) reported use of taxis and PHVs to transport drug couriers between markets. These couriers are often young people who have been exploited and may be victims of trafficking; the typical age range is 15-17 years old, but may be much younger. They may have vulnerabilities besides their age, such as broader mental health issues, disrupted or chaotic homes, substance misuse issues or reported as missing.

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

- young people, sometimes as young as 12, travelling in taxis alone;
- travelling at unusual hours (during school time, early in the morning or late at night);
- travelling long distances ;
- unfamiliar with the local area or do not have a local accent;
- paying for journeys in cash or prepaid.

²⁸ <https://tacklechildabuse.campaign.gov.uk/>

²⁹ <http://www.nationalcrimeagency.gov.uk/news/1247-latest-threat-update-estimates-at-least-720-county-lines-drug-dealing-lines>

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- 2.77 The Home Office is working with partners to raise awareness of county lines and has produced promotional material that can be used by taxi and PHV companies.³⁰
- 2.78 Drivers (or any person) should be aware of what to do if they believe a child or vulnerable person is at risk of harm. If the risk is immediate they should contact the police otherwise they should:
- use the local safeguarding process, the first step of which is usually to contact the safeguarding lead within the local authority;
 - call Crime Stoppers on 0800 555 111.

Language proficiency

- 2.79 Authorities should consider whether an applicant would have any problems in communicating with customers because of language difficulties. Licensing authorities have the freedom to specify the level of proficiency, but it is recommended to cover both oral and written English language skills necessary to fulfil their duties, including in emergency and other challenging situations. This should include:
- conversing with passengers to demonstrate an understanding of the desired destination, an estimation of the time taken to get there and other common passenger requests;
 - providing a customer with correct change from a note or notes of higher value than the given fare, and doing so with relative simplicity;
 - providing a legibly written receipt upon request.

Enforcement

- 2.80 Implementing an effective framework for licensing authorities is essential to a well-functioning taxi and PHV sector. These steps will help prevent the licensing of drivers that are not deemed ‘fit and proper’ but does not ensure that those already licensed continue to display the behaviours and standards expected.
- 2.81 We have discussed the benefits of licensing authorities working collaboratively in regard to the sharing of information, and this can equally apply to enforcement powers. An agreement between licensing authorities to jointly authorise officers enables the use of enforcement powers regardless of which authority within the agreement the officer is employed by and which issued the licence. Together with increased clarity for the public on complaining, these measures will mitigate the opportunities for drivers to evade regulation. Such an agreement will enable those authorities to take action against vehicles and

³⁰https://www.gov.uk/government/publications/county-lines-posters-for-taxi-and-private-vehicle-hire-staff?utm_source=HO&utm_campaign=LA

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drivers that are licensed by the other authority when they cross over boundaries. A model for agreeing joint authorisation is contained in the LGA Councillors' handbook³¹.

- 2.82 It is not reasonable to expect drivers to adhere to a policy unless they are properly informed of what is expected of them and the repercussions for failing to do so. Some licensing authorities operate a points-based system, which allows minor breaches to be recorded and considered in context while referring those with persistent or serious breaches to the licensing committee. This has the benefit of consistency in enforcement and makes better use of the licensing committee's time.
- 2.83 The Department suggest that there should be a clear, simple and well-publicised process for the public to make complaints about drivers and operators. This will provide a further source of intelligence when considering the renewal of licences and of any additional training that may be required. It is then for the licensing authority to consider if any intelligence indicates a need to suspend or revoke a licence in the interests of public safety.

Suspension and revocation of driver licences

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

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

- 2.85 Licensing authorities have the option to suspend or revoke a licence should information be received that causes concern over whether a driver is a fit and proper person. Where the licence holder has been served an immigration penalty or convicted of an immigration offence the licence should be revoked immediately. Guidance for licensing authorities to prevent illegal working in the taxi and PHV sector has been issued by the Home Office³². As with the initial decision to license a driver, this determination must be reached based on the balance of probabilities, not on the burden of beyond reasonable doubt.

- 2.86 Before any decision is made, the licensing authority must give full consideration to the available evidence and the driver should be given the

³¹ <https://www.local.gov.uk/councillor-handbook-taxi-and-phv-licensing>

³² https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/613415/A_Licensing_Authority_guide_to_right_to_work_checks_-_England_and_Wales.pdf

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opportunity to state his or her case. If a period of suspension is imposed, it cannot be extended or changed to revocation at a later date.

- 2.87 A decision to revoke a licence does not however prevent the reissuing of a licence should further information be received that alters the balance of probability decision previously made. The decision to suspend or revoke was based on the evidence available at the time the determination was made. New evidence may, of course, become available later.
- 2.88 New evidence may be produced at an appeal hearing that may result in the court reaching a different decision to that reached by the council or an appeal may be settled by agreement between the licensing authority and the driver on terms which, in the light of new evidence, becomes the appropriate course. If, for example, the allegations against a driver were now, on the balance of probability, considered to be unfounded, a suspension could be lifted or, if the licence was revoked, an expedited re-licensing process used.
- 2.89 A suspension may still be appropriate if it is believed that a minor issue can be addressed through additional training. In this instance the licence would be returned to the driver once the training has been completed without further consideration. This approach is clearly not appropriate where the licensing authority believes that, based on the information available at that time, on the balance of probability it is considered that the driver presents a risk to public safety.

Criminal record checks for PHV operators

- 2.90 As with driver licensing, the objective in licensing PHV operators is to protect the public, who may be using operators' premises and trusting that the drivers and vehicles they dispatch are above all else safe. It is important therefore that licensing authorities are assured that the operators they license also pose no threat to the public and have no links to serious criminal activity. Although an operator may not have direct contact with passengers, they are still entrusted to ensure that the drivers and vehicles used to fulfil a booking are appropriately licensed and so 'fit and proper'. PHV operators are also frequently provided with sensitive information such as periods when a home may be vacated as the residents are on holiday. Those making licensing decisions should consider whether they would be content for an applicant to hold sensitive information and are confident that this would not be misused.
- 2.91 PHV operators (as opposed to PHV drivers) are not eligible for standard or enhanced criminal records checks. We recommend that licensing authorities request a criminal conviction certificate (Basic disclosure) from the DBS. Any individual may apply for a Basic check and the certificate will disclose any unspent convictions recorded on the PNC. Licensing authorities should consider whether an applicant or licence holder with a conviction for offences detailed in Annex A (other than those relating to driving) meet the 'fit and proper' threshold.
- 2.92 PHV operator licences may be applied for by a company or partnership; licensing authorities should apply the 'fit and proper' test to each of the directors or partners in that company or partnership. For this to be effective PHV

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operators should be required to advise the licensing authority of any changes to the directors or partners.

- 2.93 Individuals, directors or partners granted a PHV operator licence should be required to subscribe to the DBS update service as a condition of licensing and licensing authorities should consider routinely checking the DBS certificates of their licence holders, for example every six months
- 2.94 As explained earlier in the context of driver licensing, the **DBS cannot access criminal records held overseas**. Therefore, a DBS check may not provide a complete picture of an individual's criminal record where there have been periods living or working overseas. A licensing authority should ensure they have access to all the information available to them when making a decision whether to grant a licence, particularly when an applicant has previously lived outside the UK. It should be noted that it is the character of the applicant as an adult that is of interest, therefore a period outside the UK before the age of 18 may not be relevant. For information on applying for overseas criminal record checks or a 'Certificate of Good Character' please see the Home Office guidance³³ on criminal record checks for overseas applicants. Licensing authorities should seek criminal records information from overseas when an applicant has previously lived outside the UK for a period of more than three continuous months to properly assess risk and support the decision making process.
- 2.95 Where an individual is aware that they have committed an offence overseas which may be equivalent to those listed in Annex A, they should seek independent expert or legal advice to ensure that they provide information that is truthful and accurate.

PHV Operators - ancillary staff

- 2.96 PHV drivers are not the only direct contact that PHV users have with PHV operators' staff, for example a person taking bookings (be it by phone or in person). A vehicle controller decides which driver to send to a user, a position that could be exploited by criminals. It is therefore appropriate that all staff that have contact with PHV users and the dispatching of vehicles should not present an undue risk to the public or the safeguarding of children and vulnerable adults.
- 2.97 Licensing authorities should be satisfied that PHV operators can demonstrate that all staff that have contact with the public and/or oversee the dispatching of vehicles do not pose a risk to the public. Licensing authorities should request that, as a condition of granting an operator licence, a register of all staff that will take bookings or dispatch vehicles is kept. The operator should be required to evidence that they have had sight of a Basic DBS check on all individuals listed.
- 2.98 Operators or applicants for a licence should also be required to provide their policy on employing ex-offenders in roles that would be on the register as above. As with the threshold to obtaining a PHV operators' licence, those with a

³³ <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

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conviction for offences detailed in Annex A (other than those relating to driving) may not be suitable to handle the sensitive information the public may provide (e.g. that their home is likely to be empty between certain dates) or to decide who is sent to carry a child or vulnerable adult unaccompanied in a car.

- 2.99 Those granted an operator licence should be required to maintain a register of staff that take bookings and/or control vehicles and ensure that Basic DBS checks are conducted on any individuals added to the register and that this is compatible with their policy on employing ex-offenders.

PHV Operators – Use of passenger carrying vehicles (PCV) licensed drivers

- 2.100 Members of the public are entitled to expect when making a booking with a PHV operator that they will receive a PHV licensed vehicle and driver. The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such as a minibus to undertake a PHV booking should not be permitted as a condition of the PHV operator's licence. Drivers of PSVs who are PCV licence holders are not subject to the same checks as PHV drivers, as the work normally undertaken, i.e. driving a bus or coach, does not present the same risk to passengers.

PHV Operators - record keeping

- 2.101 Section 56 of the Local Government (Miscellaneous Provisions) Act 1976³⁴ requires PHV operators to keep records of the particulars of every booking invited or accepted, whether it is from the passenger or at the request of another operator. The particulars to be recorded may be specified by the licensing authority as a condition of the operator licence. The Department recommend that this information should include:

- the name of the passenger;
- the time of the request;
- the pick-up point;
- the destination;
- the name of the driver;
- the driver's licence number;
- the vehicle registration number of the vehicle.

- 2.102 This information will enable the passenger to be traced if this becomes necessary and should improve driver security and facilitate enforcement. It is suggested that six months is generally appropriate as the length of time that records should be kept.

³⁴ <http://www.legislation.gov.uk/ukpga/1976/57>

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

In-vehicle visual and audio recording – CCTV

2.104 Government has acknowledged the potential risk to public safety when passengers travel in taxis and PHVs. In 2012 the Government enabled licensing authorities to undertake enhanced DBS checks. The Department appreciates that all licensing authorities have recognised the risk posed by the very small minority of licensed drivers and undertake this level of check. It is unfortunately the case that no matter how complete the information available to licensing authorities is, nor how robust the policies in place are and the rigor with which they are applied, it will never remove the possibility of harm to passengers by drivers. The Department's view is that CCTV can provide additional deterrence to prevent this and investigative value when it does. The use of CCTV can provide a safer environment for the benefit of taxi/PHV passengers and drivers by:

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

2.105 While only a small minority of licensing authorities have so far mandated all vehicles to be fitted with CCTV systems, the experience of those authorities that have has been positive for both passengers and drivers. In addition, the evidential benefits of CCTV may increase the level of reporting of sexual offences. According to the Crime Survey for England and Wales³⁵ only 17% of victims report their experiences to the police, 28% of rape or sexual assault victims indicated that a fear they would not be believed as a factor in them not reporting the crime. The evidential benefits CCTV could provide are therefore an important factor when considering CCTV in vehicles.

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

2.107 CCTV systems that are able to record audio as well as visual data may also help the early identification of drivers that exhibit inappropriate behaviour toward passengers. Audio recording should be both overt and targeted i.e. only when

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<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/sexualoffencesinenglandandwales/yearendingmarch2017#main-points>

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

- 2.108 It is important to note that, in most circumstances, a licensing authority which mandates the installation of CCTV systems in taxis and PHV will be responsible for the data – the data controller. It is important that data controllers fully consider concerns regarding privacy and licensing authorities should consider how systems are configured, should they mandate CCTV (with or without audio recording). For example, vehicles may not be exclusively used for business, also serving as a car for personal use - it should therefore be possible to manually switch the system off (both audio and visual recording) when not being used for hire.
- 2.109 Imposition of a blanket requirement to attach CCTV as a condition to a licence is likely to give rise to concerns about the proportionality of such an approach and will therefore require an appropriately strong justification and must be kept under regular review.
- 2.110 The Home Office '*Surveillance Camera Code of Practice*'³⁶ advises that government is fully supportive of the use of overt surveillance cameras in a public place whenever that use is:
- in pursuit of a legitimate aim;
 - necessary to meet a pressing need;
 - proportionate;
 - effective, and;
 - compliant with any relevant legal obligations
- 2.111 The Code also sets out 12 guiding principles which, as a 'relevant authority' under the Protection of Freedoms Act 2012³⁷, licensing authorities must have regard to. It must be noted that, where a licence is granted subject to CCTV system conditions, the licensing authority assumes the role and responsibility of 'System Operator'. The role requires consideration of all guiding principles in this code. The failure to comply with these principles may be detrimental to the use of CCTV evidence in court as this may be raised within disclosure to the Crown Prosecution Service and may be taken into account.

³⁶ <https://www.gov.uk/government/publications/surveillance-camera-code-of-practice>

³⁷ [Section 33\(5\) of the Protection of Freedoms Act 2012](#)

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- 2.112 The Surveillance Camera Commissioner (SCC) has provided guidance on the Surveillance Camera Code of Practice in its '*Passport to Compliance*'³⁸ which provides guidance on the necessary stages when planning, implementing and operating a surveillance camera system to ensure it complies with the code. The Information Commissioner's Office³⁹ (ICO) has also published a code of practice which, in this context, focuses on the data governance requirement associated with the use of CCTV such as data retention and disposal, which it is important to follow in order to comply with the data protection principles. The SCC provides a self-assessment tool⁴⁰ to assist operators to ensure compliance with the principles set of in the Surveillance Camera Code of Practice. The SCC also operate a certification scheme⁴¹; authorities that obtain this accreditation are able to clearly demonstrate that their systems conform to the SCC's best practice and are fully compliant with the Code and increase public confidence that any risks to their privacy have been fully considered and mitigated.
- 2.113 The Data Protection Act 2018⁴² regulates the use of personal data. Part 2 of the Data Protection Act applies to the general processing of personal data, and references and supplements the General Data Protection Regulation. Licensing authorities, as data controllers, must comply with all relevant aspects of data protection law. Particular attention should be paid to the rights of individuals which include the right to be informed, of access and to erasure. The ICO has provided detailed guidance⁴³ on how data controllers can ensure compliance with these.
- 2.114 It is a further requirement of data protection law that before implementing a proposal that is likely to result in a high risk to the rights and freedoms of people, an impact assessment on the protection of personal data shall be carried out. The ICO recommends in guidance⁴⁴ that if there is any doubt as to whether a Data Protection Impact Assessment (DPIA) is required one should be conducted to ensure compliance and encourage best practice. A DPIA will also help to assess properly the anticipated benefits of installing CCTV (to passengers and drivers) and the associated privacy risks; these risks might be mitigated by having appropriate privacy information and signage, secure storage and access controls, retention policies, training for staff how to use the system, etc. Licensing authorities should consult on this issue to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and PHV users, including children or vulnerable adults.
- 2.115 It is essential to ensure that all recordings made are secure and can only be accessed by those with legitimate grounds to do so. This would normally be the police if investigating an alleged crime or the licensing authority if investigating a complaint or data access request. Encryption of the recording to which the

38 <https://www.gov.uk/government/publications/passport-to-compliance>

39 <https://ico.org.uk/media/for-organisations/documents/1542/cctv-code-of-practice.pdf>

40 <https://www.gov.uk/government/publications/surveillance-camera-code-of-practice-self-assessment-tool>

41 <https://www.gov.uk/government/publications/surveillance-camera-code-of-practice-third-party-certification-scheme>

42 <http://www.legislation.gov.uk/ukpga/2018/12/contents/enacted>

43 <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>

44 <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/security/>

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licensing authority, acting as the data controller, holds the key, mitigates this issue and protects against theft of the vehicle or device. It is one of the guiding principles of data protection legislation, that personal data (including in this context, CCTV recordings and other potentially sensitive passenger information) is handled securely in a way that ‘ensures appropriate security’, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

- 2.116 All passengers must be made aware if CCTV is operating in a vehicle. As well as clear signage in vehicles, information on booking systems should be introduced. This might be text on a website, scripts or automated messages on telephone systems.

Stretched Limousines

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

Consultation at the local level

- 2.119 It is good practice for licensing authorities to consult on any significant proposed changes in licensing rules. Such consultation should include not only the taxi and PHV trades but also groups likely to be the trades’ customers. Examples are groups representing disabled people, Chambers of Commerce, organisations with a wider transport interest (e.g. the Campaign for Better Transport and other transport providers), women’s groups, local traders, and the local multi-agency safeguarding arrangements. It may also be helpful to consult

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with night-time economy groups (such as Pubwatch) if the trade is an important element of dispersal from the local night-time economy's activities.

- 2.120 Any decision taken to alter the licensing regime is likely to have an impact on the operation of the taxi and PHV sector in neighbouring areas; it would therefore be good practice to engage with these to identify any concerns and issue that might arise from a proposed change. Many areas convene regional officer consultation groups or, more formally, councillor liaison meetings; the Department considers this approach to be good practice.

Annex A – Previous convictions guidance

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

Authorities must consider each case on its own merits, and applicants/licensees are entitled to a fair and impartial public hearing of their application if required. The periods given below should be taken as a minimum before a licence should be granted or renewed in all but truly exceptional circumstance. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.

Crimes resulting in death

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

Exploitation

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

Offences involving violence

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

Possession of a weapon

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Sex and indecency offences

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

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

Dishonesty

Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Drugs

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a

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licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Discrimination

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Motoring convictions

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

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

Drink driving/driving under the influence of drugs/using a hand-held telephone or hand held device whilst driving

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

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

Annex B - Staying safe: guidance for passengers

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

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

Educate the public in the differences between taxis and PHVs e.g.:

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

When using a private hire vehicle, passengers should always:

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

When using a taxi, passengers should where possible:

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

APPENDIX C

Taxi and private hire vehicle licensing: protecting users

Personal details

Q1. Your name and email address. We will only use this if we need to contact you to ask about any of your responses.

Your name

Your email

About you

Q2. Are you responding:

a licensing authority

Administration of the licensing framework

Q3. The draft statutory guidance recommends that all those involved in the determination of licensing matters should receive training covering licensing procedures, natural justice, child sexual abuse and exploitation, disability and equality in addition to any other issues deemed locally appropriate (paragraph 2.18). Do you agree with the recommendation?

Yes

Q4. The draft statutory guidance recommends a council structure for dealing with licensing matters (paragraphs 2.20-2.24). Do you agree with this proposed structure?

Yes

Comment below if you want to explain your answer.

The advice does suggest a panel, which we use (a sub-committee of the main committee). However, we have been advised recently that barristers are challenging this approach arguing that full committee should carry out the reviews. Legislation needs to be clear that we can use a panel.

Implementing changes to the licensing policy and requirements

Q5. The draft statutory guidance recommends that all issued licences should be reviewed following changes in licensing policy (paragraph 2.29). Do you agree with this recommendation?

Yes

The Disclosure and Barring Service

APPENDIX C

Q6. The draft statutory guidance recommends that all drivers should be subject to an enhanced Disclosure and Barring Service (DBS) with barred lists check for individuals applying for or renewing taxi and PHV driver licences (paragraph 2.32). Do you agree with this recommendation?

Yes

Comment below if you want to explain your answer.

Paragraph 2.33 shows that not all information is released and indicates we should not get the information other ways. 2 main issues with this. First is that the police only have to disclose information they think is relevant, and locally they have refused to release information that we believe is relevant, e.g. a driver who committed 3 driving offences and claimed other people were driving. Second is that information we may want is removed as it is sent to the applicant, e.g. if the police suspect them of drug dealing. If we are going to protect the public the elected members should have full information, not edited information. Their task is to ensure 'fit and proper' while the government and police are only allowing them some information. This also applies to DVLA who now only release current convictions. So a driver could have had points regularly that members may want to challenge but they would have no idea they were serial offenders. For example, we know of one taxi driver caught locally by the police. He was with a passenger and their child, he was speeding, he was on his mobile phone, and he was near a school when children were coming out of the that school. He received 3 points. DVLA and police would consider this minor, but our elected members do not. If the government are serious the police and DVLA should release all information.

Q7. The draft statutory guidance recommends that all licence holders should be required to subscribe to the DBS update service (paragraph 2.38). Do you agree with this recommendation?

Yes

Comment below if you want to explain your answer.

A legislation review may be required to ensure that conditions can be applied to both hackney drivers and private hire drivers who are governed by different legislation.

Q8. The draft statutory guidance recommends that appropriate DBS checks are conducted every 6 months (paragraph 2.39). Do you agree with this recommendation?

Yes

Comment below if you want to explain your answer.

Annual renewals of licenses often found drivers with undeclared convictions. Licences now last for up to 3 years, the same as typical DBS checks due to their complexity. We agree it should be at least every 6 months, but would recommend at least every 3 months, and to make this possible drivers will have to subscribe to the update service.

Licensee self-reporting

Q9. The draft statutory guidance recommends that drivers and operators should be required to notify the issuing authority within 48 hours upon arrest and release, charge or conviction of any motoring offence or any offence involving dishonesty, indecency or violence (paragraph 2.41). Do you agree with this recommendation?

Yes

Comment below if you want to explain your answer.

To ensure public safety, and allow the licensing authority to complete its duty regarding this, this should be reduced to 24 hours. The police should also ask if a person is a taxi driver and advise us also. Currently the police notification system does not always work.

Referrals to DBS and the police

APPENDIX C

Q10. The draft statutory guidance recommends that licensing authorities should make referrals to the DBS when it considers that an applicant or licence holder is thought to present a potential risk of harm to the public (paragraph 2.43). Do you agree with this recommendation?

Yes

Comment below if you want to explain your answer.

We as a local licensing authority currently do this. Following a revocation recently our Principal Licensing Officer advised DBS and the police to put a marker on.

Overseas convictions

Q11. The draft statutory guidance recommends that a check of overseas criminality information or 'Certificate of Good Character' should be required, when an individual has spent a period of more than 3 continuous months outside the UK when over the age of 18 (paragraph 2.47). Do you agree with this recommendation?

No

Comment below if you want to explain your answer.

While this licensing authority already use Certificates of Good Conduct, there are concerns about the age limit. In effect that means you can commit whatever crimes you want until 18 and then after that you need to make sure you are not caught or it could affect your licence. We ask for a Certificate of Good Conduct for any country they have lived in. This misses the risk of crimes while on holiday e.g. paedophiles using sex tourism, and we do not set a period e.g. 3 months because we keep that flexible. It is a compromise, but we would hope that this covers the majority of their activity. The comment should be that 18 is not appropriate as serious crimes could be unavailable for the committee to consider, and that it should be any country they have lived in since birth, though we may want discretion if for example they are unlikely to committed an offence, e.g. if they live from 0-4 in a country.

Other information

Q12. The draft statutory guidance recommends that licensing authorities should require applicants / licensees to disclose if they have been licensed elsewhere, or have had an application for a licence refused, or have had a licence revoked or suspended by any other licencing authority (paragraph 2.57). Do you agree with this recommendation?

Yes

Comment below if you want to explain your answer.

A national register of licensed drivers would be valuable as it is highly unlikely that if they do not disclose then officers will be able to find out. 'Neighbouring council's' is too vague and impractical with many drivers now licensed by authorities hundreds of miles away.

Q13. The draft statutory guidance recommends that licensing authorities should use tools such as the national register of taxi and PHV driver licence refusals and revocations (NR3) to improve information sharing (paragraph 2.58). Do you agree with this recommendation?

Yes

APPENDIX C

Q14. The draft statutory guidance recommends that the authority considering an application for or renewal of a licence should consult and consider other licensing decisions in its assessment, when an applicant / licensee discloses they have had an application refused, or had a licence revoked or suspended elsewhere (paragraph 2.60). Do you agree with this recommendation?

Yes

Comment below if you want to explain your answer.

There is significant variation in the standards applied by local authorities, which can result in drivers applying to authorities with lower standards. As a licensing authority with high standards, we must be allowed to refuse to licence a driver, even if licensed by another authority, and any appeal court must have regards to our standards, and not the fact they are licensed by another authority.

Multi-agency safeguarding hub (MASH)

Q15. The draft statutory guidance recommends that multi-agency safeguarding hubs (or similar) should be established by licensing authorities to improve the sharing of relevant information (paragraph 2.64). Do you agree with this recommendation?

Yes

Complaints against drivers and operators

Q16. The draft statutory guidance recommends that licensing authorities should produce guidance for passengers on making complaints directly to the licensing authority that must be displayed in licensed vehicles (paragraph 2.66). Do you agree with this recommendation?

Yes

Comment below if you want to explain your answer.

We know that users often cannot even remember what type of car it was, let alone read all the information in the vehicle or look for information on a council website. National campaigns would be better making passengers more aware and suggesting they take plate numbers or other details, especially because of the risk of unlicensed taxis. Current case law means we cannot recover costs for driver enforcement. The government need to ensure that if we are to effectively implement this, cost recovery must be legally available as it is already for vehicles and operators.

Safeguarding awareness

Q17. The draft statutory guidance recommends that all licensing authorities should, as a condition of licensing, require drivers to undertake safeguarding training (paragraph 2.72). Do you agree with this recommendation?

Yes

Comment below if you want to explain your answer.

This should be carried out prior to grant and then every 3 years prior to renewal. This system is used by this licensing authority.

Language proficiency

APPENDIX C

Q18. The draft statutory guidance recommends that all licensing authorities should consider whether an applicant for a licence is able to communicate in English orally and in writing with customers (paragraph 2.79). Do you agree with this recommendation?

Yes

Comment below if you want to explain your answer.

This licensing authority introduced more stringent communication assessments several years ago following a number of issues including an alleged going to the wrong town and being unable to understand how to contact emergency services when a taxi was involved in an accident.

Enforcement

Q19. The draft statutory guidance recommends that licensing authorities should, where the need arises, jointly authorise officers from other authorities so that compliance and enforcement action can be taken against licensees from outside their area (paragraph 2.81). Do you agree with this recommendation?

Yes

Comment below if you want to explain your answer.

Following the Deregulation Act allowing drivers to register hundreds of miles from where they operate, this is very important, as local knowledge and ability to enforce is a serious risk. We know of businesses who have been licensed by another authority to avoid local regulation. However, agreements with other authorities is going to be too complicated. Heathrow airport must have taxis from hundreds of authorities. The system should allow an officer authorised in an area to enforce against any taxi in that area. That will need a law change. Alternatively, perhaps a general authorisation from every local authority allowing an authorised officer of any other local authority being authorised to regulate any driver or vehicle operating in their area. With so many different licensing policies, enforcement will also be very difficult.

Criminal record checks for PHV operators

Q20. The draft statutory guidance recommends that PHV operators (applicants or licensees) should be subject to a basic DBS check (paragraph 2.91). Do you agree with this recommendation?

No

Comment below if you want to explain your answer.

It should be an enhanced DBS. While drivers do have the enhanced DBS, they could be coerced into criminal activities by a corrupt employer.

PHV operators - ancillary staff

Q21. The draft statutory guidance recommends that PHV operators should, as a condition of licensing, be required to keep a register of all staff that will take bookings or dispatch vehicles (paragraph 2.97). Do you agree with this recommendation?

Yes

APPENDIX C

Q22. The draft statutory guidance recommends that PHV operators should be required to evidence that they have had sight of a basic DBS check on all individuals listed on the above register (paragraph 2.97). Do you agree with this recommendation?

Yes

Q23. The draft statutory guidance recommends that PHV operators should, as a condition of licensing, be required to provide to the licensing authority their policy on employing ex-offenders that will take bookings or dispatch vehicles (2.98). Do you agree with this recommendation?

Yes

Comment below if you want to explain your answer.

Public safety must come first. Taxi drivers are often in a position of trust, e.g. regularly transporting vulnerable people, and customer safety must take priority over the privacy of drivers, operators or their employees.

PHV operators - use of passenger carrying vehicles (PCV) licensed drivers

Q24. The draft statutory guidance recommends that, as a condition of the licensing, a PHV operator may not use a driver who does not hold a PHV licence (but may hold a PCV licence) to use a public service vehicle to carry out a PHV booking (paragraph 2.100). Do you agree with this recommendation?

No

Comment below if you want to explain your answer.

Some PCV drivers complete training privately and do not have checks such as DBS. The question is confusing as paragraph 2.100 is more clear and recommends that holders of a PCV licence should not be permitted which we agree with.

PHV operators – record keeping requirements

Q25. The draft statutory guidance recommends that PHV operators should, as a condition of licensing, be required to record the information detailed in paragraph 2.101. Do you agree with this recommendation?

No

Comment below if you want to explain your answer.

Should include: 1) Name of person booking the taxi 2) Date and time taxi booked 3) Pick up time and drop off time 4) How many passengers 6) If the job is subcontracted to another company, and if it is, details of the company, vehicle and driver

In-vehicle visual and audio recording - CCTV

APPENDIX C

Q26. The draft statutory guidance recommends that licensing authorities should carefully consider potential public safety benefits and potential privacy issues when considering a policy mandating that taxis and PHVs have CCTV installed (paragraphs 2.104 to 2.109). Do you agree with this recommendation?

Yes

Comment below if you want to explain your answer.

It has to be mandatory (video and sound) as it has proved critical in several convictions. If not mandatory, some authorities will not introduce it and by default encourage drivers and operators who want to avoid the expense or risk of being caught to be licensed by an authority that does not require it. Only the police, licensing authorities and relevant enforcing authorities must have access to the data. Failure to maintain the equipment without reasonable excuse, or if any attempt is made to bypass this system, e.g. the driver covers the camera or microphone, should be similar to failing to give a breath test and considered an offence in itself with serious consequences. For example, complaint made about inappropriate sexual proposals, camera information not available, we should treat it as though it occurred as stated (subject to investigation to verify as much information as possible). The reason many authorities avoided introducing it previously has been because of advice from various surveillance commissioners who appeared to consider privacy of customers to be more important than their safety, e.g. banning microphones, so clear updated, simple guidance approved by regulators will be required.

Stretched limousines

Q27. The draft statutory guidance recommends that licensing authorities should consider licensing vehicles with an Individual Vehicle Approval certificate, even if the passenger capacity is unclear, but under the strict condition that the vehicle will not be used to carry more than 8 passengers (paragraph 2.118). Do you agree with this recommendation?

Yes

Previous convictions guidance

Q28. The draft statutory guidance proposes that the Department for Transport issue guidance on the assessment of previous convictions (paragraph 2.50). Do you agree with this recommendation?

Yes

Comment below if you want to explain your answer.

Home Office guidance has proved useful. However, there is concern that '3 point' offences are considered minor. They are not always and individual circumstances should be considered.

Q29. Annex A of the draft statutory guidance provides a list of offences to aid consistency in the 'fit and proper' assessment for licences. Do you think that the list provides enough detail to do this?

Yes

Comment below if you want to explain your answer.

Licensing authorities will be able to use this as guidance and use their discretion when issues are not covered by this guidance e.g. formal cautions instead of convictions. It also assumes that licensing authorities will be given all the relevant information e.g. police and DVLA, which currently does not always happen.

APPENDIX C

Q30. Are there any offences that should be added to the list in Annex A of the statutory guidance?

Yes

Other offences

Q31. If you answered yes, please list the offence(s) and the period you consider appropriate to prevent the granting of a licence under most circumstances.

- 1) Immigration offences
- 2) Customs and Excise offences
- 3) Anti-social behaviour e.g. ASBO, Community Protection Notice.

Impact assessment

Q32. Do you have data relating to alleged offences committed in licensed vehicles either against or by passengers? If you have and are prepared to share this with us please add to your response.

The main complaint from taxi drivers is passengers not paying. We have also had drivers threatened at knife point and allegations of attempted sex offences, and inappropriate behaviour towards vulnerable passengers by drivers. Further details can be provided.

AGENDA MANAGEMENT SHEET

Report Title:	Draft Taxi Policy
Name of Committee:	Licensing and Safety Committee
Date of Meeting:	10 September 2019
Portfolio:	Environment and Public Realm
Ward Relevance:	All
Prior Consultation:	The new taxi policy will be subject to a two month consultation with the public and licensed vehicle trade.
Contact Officer:	Zulfeqar Rahman, Principal Licensing Officer, Tel: 01788 533664
Statutory/Policy Background:	Rugby Borough Council ("The Licensing Authority") is responsible for the regulation of the Hackney Carriage/ Private Hire trades within the Borough of Rugby
Summary:	The Councils existing Hackney Carriage and Private Hire Policy came into effect April 2009. The policy requires updating to reflect the Councils current and future priorities and outcomes, ongoing improvements in licensing practices and procedures need to be embedded within the policy.
Financial Implications:	There are no financial implications arising from this report.
Environmental Implications:	Yes, will improve
Legal Implications:	There are no legal implications arising from this report.
Equality and Diversity:	There are no equality and diversity implications arising from this report.
Options:	Prior to determining the policy in order to minimise the risk of judicial review, the policy should be consulted on with the public and stakeholders. By authorising the consultation, the committee will enable progress to be made towards determining policy

Recommendation:

- A) To consider the new draft taxi policy
- B) To approve the policy to go out to public consultation

Licensing and Safety Committee – 10 September 2019

Draft Taxi Policy

Public Report of the Head of Environmental and Public Realm

Recommendation

The Licensing Committee authorises the Principal Licensing Officer to undertake the consultation process relating to the determination of a new Hackney Carriage and Private Hire Policy.

BACKGROUND

Taxis are licensed in accordance with the Town Police Clauses Act 1847 and Private Hire are licensed in accordance with Part II of the Local Government (Miscellaneous Provisions) Act 1976. Other legislation, such as the Equality Act 2010 and Road Traffic Acts have some bearing on licensing as well.

Appended to this report is a draft taxi and private hire licensing policy and listed below are the proposed changes to the current practice:

A. DBS Checks

At present all applicants for licences, whether a new grant or a renewal, are required to submit an enhanced DBS certificate. It is proposed that the council carries out the initial DBS disclosure, and applicants will be required to subscribe to the DBS update service and maintain that service for the life of the private hire/hackney carriage drivers' licence. This will allow licensing officers to do annual online checks to ensure the status of the DBS certificate remains clear within the term of three years.

B. Safeguarding and Child Sexual Exploitation Awareness

The committee will be familiar with the issues of Child Sexual Exploitation (CSE) that were highlighted by the Rotherham and Rochdale cases. Taxi drivers have a unique role to play in transporting the general public and this can give them a valuable insight into illegal activity, such as CSE, that may be taking place. The draft policy includes a requirement that all new hackney carriage and private hire drivers must undertake approved CSE awareness training before a licence can be issued so as to equip them with the knowledge and skills to identify signs of potential abuse and how they should respond.

C. Private Hire Drivers licence

At present we only issue a dual drivers licence. We propose to issue a private hire drivers licence and the applicants will have to undertake a knowledge test. The test comprises an exam covering the following areas:

- the highway code
- taxi legislation

- the council's vehicle conditions and driver Code of Conduct
- safeguarding and child sexual exploitation awareness
- disability awareness
- local area knowledge
- working out fares and giving change
- the understanding of and testing of written English

An 85% pass mark is required for each section, all sections must be passed at the same time and failure to answer certain questions correctly will result in automatic failure.

D. Knowledge Tests

At present there is no limit as to how many re-sits an applicant do. It is proposed if the applicant fails the test three times then the application will be cancelled and the applicant will be unable to reapply again for a licence until a minimum period of 12 months has elapsed from the date of the last failure and be treated as a new applicant.

E. Private Hire Operators

At present there is no knowledge test to undertake prior to becoming a private hire operator. It is proposed that applicants will be required to pass a knowledge test on conditions of licence attached to the operator's licence, private hire vehicle licence and private hire drivers licence. The pass rate will be 90%.

F. Vehicle Emissions

The exhaust emission standard is critical to the level of pollutants emitted therefore to improve air quality and reduce emissions standards relating to exhaust emissions will be introduced.

From 1 March 2021

Any new applications for a hackney carriage vehicle which is licensed for the first time will need to be a wheelchair accessible vehicle and must be new ultra-low emission (ULEV) or zero emission capable (ZEC) this is defined as a taxi emitting less than 50gCO₂/km and capable of travelling at least 70 miles without emissions at all. These vehicles will be licensed for 14 years.

From 1 January 2022

All new and existing private/hire vehicles must not be older than three years of age when licensed for the first time. The vehicles must be Euro 4 petrol or Euro 6 diesel engines. These vehicles will be licensed for 10 years.

From 1 March 2024

All new and existing/replacement wheelchair accessible hackney carriage vehicles must be new wheelchair accessible vehicles and must be ultra-low emission (ULEV) or zero emission capable (ZEC) that is defined as a taxi emitting less than 50gCO₂/km and capable of travelling at least 70 miles without emissions at all. These vehicles will be licensed for 14 years.

All existing/replacement saloon hackney carriage vehicles must be new ultra-low emission (ULEV) or zero emission capable (ZEC) this is defined as a taxi emitting less than 50gCO₂/km and capable of travelling at least 70 miles without emissions at all. These vehicles will be licensed for 14 years.

Name of Meeting: Licensing and Safety Committee
Date of Meeting: 10 September 2019
Subject Matter: Draft Taxi Policy
Originating Department: Environment and Public Realm

LIST OF APPENDICES

Reference	Title
Appendix 1	Draft Taxi Policy
Please select	
Please select	
Please select	
Please select	
Please select	

DO ANY BACKGROUND PAPERS APPLY YES NO

LIST OF BACKGROUND PAPERS

Doc No	Title of Document and Hyperlink

Exempt information is contained in the following documents:

Doc No	Relevant Paragraph of Schedule 12A



Hackney Carriage & Private Hire
Draft Licensing Policy
20XX

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1. Foreword

This policy seeks to set a standard that is amongst the highest in the country with the intention of both protecting the public and retaining confidence in the licensed trade.

It is designed to promote improved professional behaviour amongst licence holders, to increase their awareness of safeguarding issues and to allow those that share the Council's commitment to a high standard of service to thrive. The policy will make it extremely difficult for disreputable individuals to operate within the licensed trade.

Both the Jay Report into child sexual exploitation (CSE) in Rotherham and the subsequent corporate governance inspection led by Louise Casey CB identified issues, amongst which was the importance of having effective regulatory and enforcement functions in preventing and disrupting CSE. The taxi licensing function has a key role in this. At the heart of the new policy lies a commitment to the protection of the public, safeguarding children, vulnerable adults and the prevention of crime and disorder.

We aim to ensure that licensed drivers, operators and vehicles operating in the Borough are of the highest quality and can be held to account for their performance.

The Council recognises the important role that hackney carriages and private hire vehicles play in enabling people to travel around the Borough. In doing so, they also have a role in portraying the image of the Borough. The drivers themselves have a key role as ambassadors for the Borough and customers rightly expect that in using licensed vehicles they will be transported in comfort and safety. This will help to ensure that the industry and the local economy thrive.

2. Introduction

Rugby Borough Council is responsible for the regulation of the hackney carriage and private hire trades within the boundaries of the Borough of Rugby.

This policy and related procedures will guide the work of Rugby Borough Council in the way in which it carries out its functions. The policy has immediate effect and will be applied to existing licences and new applications received after the date that the policy is adopted by the Council.

The Council reserves the right to overturn a decision that has previously been made or refuse a renewal of a licence where clear errors are discovered. In addition, the Council will undertake periodic auditing of currently licensed drivers/vehicles to ensure that perverse or wrong decisions are discovered and corrected. Such audits will be conducted using this policy as the required standard.

The policy has been developed by Rugby Borough Council after consulting with both the public at large and the trade in particular. In developing this policy, we have also taken into consideration:

- The Council's licensing aims and objectives (see Section 4 of this policy);
- Current legislation;
- The Office of Fair Trading "The regulation of licensed taxi and PHV services in the UK" 2003;
- Taxi and PHV licensing criminal convictions Policy: Local government regulation, September 2018;
- Guidance on the Rehabilitation of Offenders Act 1974 - March 2014;
- Disclosure and Barring Service information note on Rehabilitation of Offenders Act 1974 and Police Act 1997 Orders 2013;
- Regulator's Code 2016;
- The Department for Transport "Taxi and Private Hire Vehicle Licensing Best Practice Guidance"

This policy sets out the requirements and standards that must be met. In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy document. However, each application or enforcement action will be considered on its own merits.

3. Definitions

The Local Government (Miscellaneous Provisions) Act 1976, as amended, (“the 1976 Act”) and the Town Police Clauses Act 1847 provides the regulatory framework for Rugby Borough Council (the “Council”) as the local authority (the “Authority”) to carry out its licensing functions in respect of hackney carriage and private hire licensing.

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

- Hackney Carriages: Being a vehicle available to transport the public with no more than 8 passenger seats, which is licensed to ply for hire. This means that it may stand at ranks, be hailed in the street by members of the public or undertake pre-booked work;
- Private Hire Vehicles: Licensed to carry no more than eight passengers but must be booked in advance by customers through a private hire operator and cannot ply for hire in the street;
- Private hire operators;
- Hackney carriage and private hire vehicle drivers.

In undertaking its licensing function, the Council will comply with relevant legislative requirements, including;

- Town Police Clauses Act 1847 and 1889;
- Local Government (Miscellaneous Provisions) Act 1976
- Transport Act 1985 and 2000
- Crime and Disorder Act 1998
- Environmental Protection Act 1990
- Equality Act 2010
- Road Traffic Acts
- Health Act 2006
- Human Rights Act 1998

The Council will also have regard to other strategies, policies and guidance in its decision making. The Council will also have regard to wider considerations affecting visitors, employers and residents. These include the availability of hackney carriage and private hire transport at all times; public nuisance; pollution; crime and the capacity of the trade to cope with customer demand, particularly at night.

4. Aims and Objectives

To protect the public and to safeguard children and vulnerable persons by:

- ensuring that hackney carriage and private hire vehicles are mechanically safe, clean, reliable and insured;
- ensuring that drivers, proprietors and private hire operators are fit and proper persons;
- Ensuring a system of local control.

To encourage a “mixed” fleet of vehicles to meet the varying needs of those who use Hackney Carriage and Private Hire vehicles;

- to provide clarity to all relevant parties with respect to the Council’s expectations of licence holders and applicants and the decision-making process;
- To encourage high standards of service and competence in the combined hackney carriage and private hire trades.

Encouraging Environmental Sustainability

This policy shall apply to all applications and other areas connected to the following Licences:

- Private hire vehicle proprietor
- Private hire driver
- Private hire operator
- Hackney carriage driver
- Hackney carriage proprietor

This Policy shall also apply in respect of disciplinary and enforcement measures.

4.1 Methods

Methods to promote the objective of the policy will include:

- setting the standards for the licensing of drivers, vehicles and operators.
- the licensing and routine inspection of vehicles, with appropriate follow up action.
- routine inspection of insurance and MOT certificates, with appropriate follow up action.
- The assessment of applicants for driver licences to ensure they are a “fit and proper” person and thereby entitled to hold a licence. This will include consideration of the person’s medical fitness, criminal and driving records (if any), knowledge of the relevant law and locality in which they wish to work and driving standards.
- The assessment of applicants for private hire operator licences to ensure that they are “fit and proper” persons and thereby entitled to hold such a licence.
- Investigation of complaints with appropriate follow up action.
- Liaison with the Police and other agencies regarding issues of mutual concern in relation to offences or the conduct of licensee’s.
- Taking enforcement and/or disciplinary action which may include the pursuit of criminal prosecution; the giving of informal advice; the giving of verbal and written warnings; the administration of simple cautions; the issue of formal notices, suspensions or revocations of licences for breaches of legislation or conditions of licence.
- by imposing and monitoring conditions of licences;

- By monitoring compliance with byelaws.

When considering taking enforcement action the Council as licensing authority will have regard to the Regulators' Compliance Code, Rugby Borough Council's Enforcement Policy and the Code for Crown Prosecutors.

4.2 Best Practice Guidance

In formulating this policy, the Council has had regard to the best practice guidance issued by the Department for Transport.

4.3 Status

In carrying out its regulatory functions, the Council will have regard to legislation, case law, national guidance, this policy and objectives set out above.

Notwithstanding the existence of this policy, the Council recognises that it has the ability to exercise discretion and each application or enforcement measure will be considered on its own merits. Where it is necessary to depart from the policy, clear and compelling reasons will be given for doing so.

In the event that any provision of this policy is, or becomes incompatible with any statutory provision, such provision of the policy shall be disregarded when determining any matter to which it relates.

4.4 Implementation

This policy will take effect from the **xxxxxx** for all applications.

Where a person's continued entitlement to hold a licence is affected by this policy this will be considered on an individual basis.

The Council will keep this policy under review and will consult where appropriate on proposed revisions.

Upon implementation of this policy, the Council requires licence holders to comply with its terms immediately unless specific provision as set out within the policy is made for transitional arrangements in respect of existing licences.

From the date of adoption, unless a different effective date has been specifically stated, this policy overrides and supersedes all existing and previous policies of similar effect in relation to private hire and hackney carriage licensing in Rugby.

The Council may, in addition to undertaking a full review of the policy, undertake a review of the full policy or areas of the policy as necessary.

Changes to the policy may have immediate effect or be expressed as coming into effect on a specified date. The policy document will be regularly updated to reflect these changes and amended copies will be available on the Council's website at www.rugby.gov.uk.

5. Delegations

Under the Council's constitution the licensing and regulatory committee has the authority, amongst other licensing matters, to discharge non-executive regulatory functions with respect to hackney carriage and private hire licensing. This function is further delegated to the Licensing Sub-Committee comprising of three elected members drawn from the Licensing and Regulatory Committee which determines applications, contraventions, suspensions and revocations.

References regarding the Licensing and Regulatory Committee (the committee) shall, in this policy, also be inclusive of the Licensing Sub-Committee.

The Regulatory Services Manager, in conjunction with the Chair of Licensing and Regulatory Committee, has been delegated by the Council to grant, suspend and refuse licences. In practice, this power is restricted to the immediate suspension/revocation of licences in the interests of public safety, and the granting of licences where there are no criminal or other concerns that give rise to doubts over the applicant's suitability to hold a licence.

In addition, the Regulatory Services Manager is delegated to appoint and authorise officers to investigate and discharge statutory duties. These officers include the Principal Licensing Officer, Licensing Officers and Trainee Licensing Officers. Such authorised powers include the issuing of warnings and stop notices.

6. Driver Requirements

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

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

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

The sections below, therefore, apply equally to private hire and hackney carriage drivers unless indicated.

6.1 Fit and Proper Person Test

The Council considers that licenced drivers are in a position of trust and therefore the Council must ensure that applicants/licence holders are and remain fit and proper to hold a licence. This requirement is contained within Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II).

The term "Fit and Proper Person" for the purposes of taxi and private hire licensing is not legally defined. However, in determining whether a person is fit and proper to hold a licence, those tasked with determining licences/applications are effectively asking the following question of themselves:

"Would you 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?"

If the answer to the question is an unqualified 'yes', then the person can be considered to be fit and proper. If there are any doubts in the minds of those who make the decision, then further consideration should be given as to whether a licence should be granted to that person.

In order to assess the suitability of an applicant (and to inform decision makers when answering the question above), the licensing authority will undertake whatever checks and apply whatever processes it considers necessary to ensure that licences are not issued to, or used by, unsuitable people. In assessing the suitability of an applicant or licence holder, the Council will take into consideration the following factors:

- criminality
- period of holding a driver's licence
- number of endorsed driving licence penalty points
- right to work
- ability to speak English
- medical fitness

- standard of driving/driving ability
- general conduct/standards of behaviour (including online behaviour)
- the conduct of the applicant in making the application (e.g. whether they have acted with honesty and integrity during the application process)
- the previous licensing history of existing/former licence holders (including honesty and integrity)
- theoretical knowledge of issues and matters related to the work of a licenced driver.

In addition, the Council will also consider further information sources such as the Police (including abduction notices), children and adult safeguarding boards, other licensing authorities and statutory agencies.

6.2 Application Process

This Council issues licences that enable the driving of both hackney carriages and private hire vehicles. Licences shall be issued for a maximum period of three years, but the Council can grant licences for a lesser period if deemed appropriate.

Applicants shall have a minimum of one year holding a full driving licence issued in the UK. EU driving licence holders to convert their licence to a UK driving licence before an application can be made for a Dual or Private Hire driving licence.

The Council may directly access the DVLA records of applicants, or alternatively, will employ the services of a third party to do this. In addition, a third party service may be used to assess the suitability of applicants based on their general behaviour whilst using the internet (in particular, social media sites).

Applicants shall provide proof that they have a statutory right to work in the UK and any applicant that has a limited right to work shall not be issued a drivers licence for a period longer than that limited period.

The information submitted as part of the application process will be shared, when applicable, with other council departments and external statutory bodies e.g. Police and HM Customs & Excise.

An individual will not be considered fit and proper to hold a licence if there is any evidence of dishonesty, and/or it can be shown that an applicant or existing licence holder has misled, or attempted to mislead, the Council (either officers or members of the Licensing Sub- Committee) as part of any process associated with the administration or determination of a licence.

6.3 Disclosure and Barring Service (DBS)

A criminal record check on a driver is seen as an important safety measure.

An enhanced disclosure through the Disclosure and Barring Service is required as these disclosures include details of live and spent convictions, Police cautions and other relevant information that indicates that a person poses a risk to public safety.

Both hackney carriage and private hire drivers are included as “exceptions” within the Rehabilitation of Offenders Act 1974 (exceptions) Order 1975 (the “exceptions order”). Accordingly, all drivers will be asked to disclose on their application form any caution or conviction even if it is spent for other purposes and those will be revealed on the DBS certificate. Advice will be provided in relation to certain old and minor cautions and convictions which are referred to as “protected”. These do not have to be revealed and will not appear on the DBS certificate. This advisory clause is intended as general guidance only and anyone in doubt should seek their own legal advice.

All applicants for the grant or renewal of a licence requiring a DBS check shall be responsible for the costs of obtaining the DBS certificate.

The Council will only accept DBS certificates which are applied for through Rugby Borough Council’s licensing team. However, DBS certificates that are issued to other local authorities will be accepted if it has been printed within the last four weeks, is to an enhanced level and has been processed in relation to the child and adult workforce or other workforce employment position (as specified on the certificate). The Council will also accept DBS certificates for the child and adult workforce or other workforce employment

position where the applicant has registered for the DBS Update Service.

All new applicants must declare on the application form any convictions, cautions or fixed penalty notices they have received. All licence holders shall notify the Council of any convictions or cautions received during their licence period. Failure to inform the Council of any convictions, cautions and fixed penalty notices during the licensing period may result in suspension or revocation of the licence.

A licence will not be granted in the absence of a current enhanced DBS disclosure certificate.

If a new applicant fails to be granted a licence within three months of the DBS certificate being returned, a re-check of the DBS will be carried out at the applicant's expense. All new applicants will be encouraged to apply for the DBS Update Service which will enable the Council to carry out a re-check online and free of charge.

Once a licence has been granted to an applicant, whether as a new licence or renewed licence, the licence holder is required to register with the DBS Update Service (MANDATORY) in order that the DBS may be checked annually online. Any applicant for a licence renewal who has not registered with the DBS Update Service will be required to undergo a DBS check with a third-party provider and submit the certificate to the Council in time for the licence renewal.

Applicants with periods of residency outside the UK

If an applicant was not born in the UK and moved to the UK after they reached 10 years of age, the Council will need to see a certificate to prove that they don't have a criminal record in their country of birth or in any other country that they may have lived in before coming to the United Kingdom. If these certificates are not in English, they must be translated by an official translator with a certificate from the official translator.

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

Because of the potential lifetime relevance for some of the most serious offences mentioned in this policy, the Council will need to ensure that sufficient background checks are conducted for those applicants that have lived overseas. For EU nationals (including UK citizens) suitable checks should be available. For those countries for which checks are not available, the Council will require a certificate of good conduct authenticated by the relevant embassy.

6.4 National Register of Licence Revocations and Refusals

The Council will access the national register of licence revocations and refusals to check if an applicant has previously had a licence refused or revoked by another local authority.

6.5 Relevance of Convictions and Cautions etc.

The Council is committed to ensuring that the licensed trade is fit and proper. This will entail periodic audits of licensed drivers to ensure that any errors or material changes are identified and acted upon.

In relation to the consideration of convictions, cautions, warnings and reprimands etc., the Council has adopted the policy set out in **Appendix (A)**. The terms of this policy will have immediate effect and will be immediately applied to all current licences issued by Rugby

Borough Council (in so far as they relate to private hire and taxi licensing).

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

Those applications or renewals with information indicating a past criminal record or, any other concern, will be referred to the Licensing Sub-Committee which will make the assessment of whether or not the applicant is a fit and proper person to hold a licence in line with the policy at [Appendix A](#).

The policy at [Appendix A](#) will also be used to determine the suitability of an existing licence holder should it be necessary to consider action in relation to the licence part way through the licence period.

6.6 Medical Assessment

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

Applicants shall provide a completed medical examination form supplied by the Council and completed by their own general Practitioner or by a general Practitioner who has access to the applicant's medical record. On first application, at and every three years thereafter until aged 60 years when annual examinations are required. Licence holders with certain medical conditions (for example certain neurological conditions) may also be required to submit annual forms and adhere to additional requirements in order for them to retain their drivers licence.

Holders of Public Service Vehicle (PSV) and/or Large Goods Vehicle (LGV) licences, where the holder is able to produce proof of driving entitlement, shall not be required to undergo a medical examination on first application and for the duration of this licence.

Licence holders must advise the Licensing team of any deterioration or other change in their health that may affect their driving capabilities. If a licensed driver develops a medical condition that fails to meet the DVLA group 2 medical standards of fitness to drive, the licence will be immediately suspended or revoked.

When the driver subsequently meets the DVLA group 2 medical standards, the licence will be re-issued if their DBS and driving licence check remains current.

Where there is any doubt as to the medical fitness of the applicant, the Council may make further enquiries of the general practitioner or specialists before determining an application.

No licence shall be issued until medical clearance (if required) has been established.

6.7 Driving Standards Test – All applicants for a drivers licence are required to pass a Private Hire Drivers Test carried out by the council's nominated provider. Details of the driving test provider can be obtained from the Licensing Office. Only certificates from the nominated provider will be accepted.

6.8

Applicants for the grant of new hackney carriage and private hire driver licences will be required to present a certificate from one of the Council's approved driving assessors for an assessment for taxi and private hire drivers.

An existing licensed driver may be required to undertake such a test in certain circumstances, namely:

- obtaining 9 or more penalty points on their DVLA driving licence;
- one serious or three minor fault accidents within a one-year period;
- serious complaint(s) about driving standards.

This list is not exhaustive and there may be other reasons for requiring an existing licensed driver to undertake an assessment. In all instances, a driver will receive a letter explaining the reasons for requiring an assessment.

If a currently licensed driver does not comply with the request for an assessment, the matter will be referred to the Licensing Sub-Committee (see Section 11 below) for it to determine whether the driver remains fit and proper to hold a licence.

6.9 Right to Work in the UK

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

- a UK passport confirming that the holder is a British citizen (or citizen of another EEA country – including Switzerland);
- passport or other travel document endorsed to show that the holder is allowed to stay in the United Kingdom and undertake paid employment;
- full UK birth/adoption certificate;
- an immigration document issued by the Border and Immigration Agency to the holder which indicates that the person named in it can stay in the United Kingdom and undertake paid employment;
- a work permit or other approval to take employment issued by the Home Office or the Border and Immigration Agency when produced in combination with either a passport or another travel document endorsed to show the holder is allowed to stay in the United Kingdom and is allowed to undertake paid employment.

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

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

A licence application will not be accepted/processed unless all elements of the application process have been completed.

6.10 Qualifications

Drivers of wheelchair accessible vehicles are also required to undertake specific training in disability awareness and how to safely load, secure and unload wheelchair passengers. This training is to ensure the safety of both the driver and the passenger when a passenger in a wheelchair wishes to undertake a journey in an accessible vehicle. This training is to be carried out at the driver's expense and a pass certificate presented to the Council within three months of a driver acquiring a wheelchair accessible vehicle. If a currently licensed driver does not present a pass certificate to the Council, the matter will be referred to the Licensing Sub-Committee (see Section 11 below) for it to determine whether the driver remains fit and proper to hold a licence.

6.11 Assessment

All new applicants for a dual hackney carriage and private hire drivers licence will also need to pass the Council's assessment based on the conditions of licence for a private hire driver and the byelaws for a hackney carriage driver. Applicants will be permitted to sit the assessment a maximum of three times and if it is not passed within this time, will be required to wait for 12 months before re-taking the assessment. A 85% pass mark is required.

6.12 Dress Code

It is recognised that the taxi trade, both hackney carriage and private hire, play an important role in portraying a positive image of Rugby and are seen as key ambassadors for the Borough.

All clothing worn by the driver must be clean and in good condition, and the driver must have good standards of personal hygiene.

FOOTWEAR-

Footwear for all drivers shall fit around the heel of the foot. Open backed shoes i.e. Flip Flops, are not acceptable.

Unacceptable Standard of Dress

The following are deemed to be unacceptable

- (a) Clothing that is not kept in a clean condition, free from holes and rips
- (b) Words or graphics on any clothing that is of an offensive or suggestive nature or which might offend
- (c) Sandals with no heel straps, flip flops or any other form of footwear not secured around the heel
- (d) Drivers not having either the top or bottom half of their bodies suitably clothed
- (e) The wearing of hoods or other clothing that obscures the drivers vision or their identity.

Anything that serves to enhance the professional image of the hackney carriage and private hire trade and promotes the concept that drivers of licensed vehicles are professional vocational drivers is to be welcomed.

Employees working for companies operating their own dress codes will still be required to comply with the Council's standard.

6.13 Duration of Licence

All new applicants for licences will be issued with a Dual hackney carriage/private hire drivers licence and the Council will normally issue licences for a three-year period.

However, the Council does have the discretion to issue licences of a shorter duration, if it considers this to be necessary given the circumstances.

Instances where a shorter-term licence will be issued are:

- an applicant's DVLA driving licence expires within the 3 years;
- an applicant has a medical condition requiring annual checks;
- the right to work expires within three years.

6.14 Code of Conduct when working with vulnerable passengers

It is essential that young, elderly and other vulnerable people are safeguarded and protected whilst being transported in a licensed vehicle. Accordingly, a specific code of conduct must be complied with when working with vulnerable passengers. This is provided at **Appendix K** it is a condition of licence that drivers adhere to this policy.

6.15 Conditions

The Council may attach such conditions to a Private hire/hackney carriage driver's licence as are considered necessary.

The Council has also made a byelaw relating to the tariff which can be charged by Hackney Carriage vehicles.

6.16 Smoking

Smoking has been prohibited in all Hackney Carriage and Private Hire Vehicles. A driver found smoking or permitting smoking to take place in a licensed vehicle, will be subject to enforcement action by Rugby Borough Council. This will be by way of penalty points scheme or by way of fixed penalty notice. 'Smoking' means the use of all tobacco products e.g. cigarettes, pipes, cigars.

Alternative smoking devices, such as electronic cigarettes, Vapour devices and any other form of such inhalation device (with or without nicotine) will also be treated as smoking tobacco for the purposes of this policy.

7. Hackney Carriages and Private Hire Vehicles

7.1 Application Process

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

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

- the vehicle application form or on-line application
- the appropriate fee
- the original of the vehicle registration document (log Book/V5) certificate of registration for the vehicle (the new keeper's supplement section of the V5 document will be accepted in the case of vehicles that are not licensed at the time that the application is made, and the vehicle has been recently purchased by the applicant (documentary evidence of the bill of sale will be required)). Licences will not be renewed unless the full V5 document is made available to the Council at the time of application
- the original (or emailed directly from the insurance broker/agent) insurance certificate or insurance cover note for the vehicle (this must be provided before the licence is issued)
- a mechanical test pass the Council's Work Services Unit
- a current MOT certificate (if the vehicle requires one by law)

In addition:

Any vehicle not manufactured with European whole vehicle type approval will be required to undergo single vehicle approval (SVA) testing and evidence of that testing and the vehicle having obtained SVA produced to the licensing team.

The application must be made online or on the correct application form and all supporting documents completed in full.

7.2 Grant and Renewal of Licences

The vehicle must be submitted for a compliance test at the Work Services Unit. A certificate of compliance will be issued and must be produced within three working days of the test as evidence that the vehicle meets the required standard. At this stage a vehicle licence will be issued, subject to the completion of all other elements of the application process and the provision of a valid certificate of motor insurance.

Vehicle licences will be issued for a one-year period, commencing on the date that the licence is issued. Once the vehicle is aged six years or over the licence must be renewed every six months.

7.3 Designated Vehicles list

The Council has implemented a 'designated vehicles' list under Section 167 of the Equality Act 2010 and every wheelchair accessible hackney carriage and private hire vehicle will automatically be included onto that list. Section 165 of the Equality Act 2010 places a duty on the driver of a 'designated vehicle' to:

- to carry the passenger while in the wheelchair;

- not to make any additional charge for doing so;
- if the passenger chooses to sit in a passenger seat to carry the wheelchair;
- to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- to give the passenger such mobility assistance as is reasonably required.

Approved list of Multi-purpose Vehicles, permitted for licensing as private hire vehicles by Rugby Borough Council are:

- Vauxhall Vivaro
- Hyundai 1800
- Ford Tourneo
- Volkswagen Transport Shuttle
- Volkswagen Caddy Maxi Life- 6 passenger seats
- (the Volkswagen Caddy can also be licensed as a hackney Carriage)

Vehicles not approved by Rugby Borough Council are:

- Vauxhall Zafira
- Volkswagen Touran
- Mazda 5
- BMW 2 Series GranTourer

Mobility assistance is defined as:

- to enable the passenger to get into or out of the vehicle;
- if the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;
- to load the passenger's luggage into or out of the vehicle;
- if the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

A driver of a 'designated vehicle' may apply for an exemption certificate

7.4 Vehicle Emissions

In order to impact on emissions, it is important to set standards that are common to all within the vehicle fleet to ensure consistency and a level playing field for proprietors, operators and drivers.

The exhaust emission standard is critical to the level of pollutants emitted, therefore, to improve air quality and reduce emissions, standards relating to exhaust emissions will be introduced from.

From 1st March 2021

Any **new** application for a Hackney Carriage Vehicle which is licensed for the first time will need to be a White Wheelchair Accessible vehicle and must be new Ultra Low Emission (ULEV) or Zero emission capable (ZEC)- this is defined as a taxi emitting less than 50gCO₂/km and capable of travelling at least 70 miles without emissions at all. These vehicles will be licensed for 14 years(once the vehicle is over 6 years old, the licence

must be renewed every six months)

From 1st March 2024

Existing Wheelchair Accessible vehicles

All new and existing / replacement Wheelchair accessible Hackney Carriage Vehicles must be **new** White in colour wheel chair accessible vehicles and must be Ultra Low Emission (ULEV) or Zero emission capable (ZEC) this is defined as a taxi emitting less than 50gCO₂/km and capable of travelling at least 70miles without emissions at all. These vehicles will be licensed for 14 years. (once the vehicle is 6 years old, the licence must be renewed every six months) Any replacement of existing wheelchair accessible vehicles **prior** to 1st March 2024 must be **new** white in colour and wheelchair accessible and will be licensed for 14 years (once the vehicle is 6 years old the licence must be renewed every 6 months)

From 1st March 2024

Saloon Hackney Carriage Vehicles

All existing /replacement saloon Hackney Carriage Vehicles must be new White in colour Ultra Low Emission (ULEV) or Zero emission capable (ZEC) this is defined as a taxi emitting less than 50gCO₂/km and capable of travelling at least 70 miles without emissions at all. These vehicles will be licensed for 14 years.(once the vehicle is 6 years old, the licence must be renewed every 6 months) Any replacement of existing saloon vehicle **prior** to 1st March 2024 will not be licensed if over 3 years of age. It will cease to be suitable for licensing once it reaches the maximum age of 10 years or fails the council's mechanical test, whichever is the soonest. (once the vehicle is over 6 years old, the licence must be renewed every six months.).

(Grandfather rights apply to the owners of plates 1-50 (they can use saloon or wheelchair accessible vehicles)

From 1st January 2022

All new and existing / private hire vehicles will need to be up to 3 years old Euro 4 petrol or Euro 6 diesel engines. These vehicles will be licensed for 10 years.(once the vehicle is 6 years old, the licence must be renewed every 6 months) (Must not be white in colour) Any replacement of private hire vehicles prior to 1st January 2022 will need to be up to 5 years old these vehicles will be licensed for 10 years. Once the vehicle is 6 years old, the licence must be renewed every 6 months

7.5 Insurance

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

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

opportunity.

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

7.6 Vehicle Specification

The Council has set down a series of specifications. A vehicle will need to comply with these specifications prior to it being accepted as a licensed vehicle.

7.7 Conditions

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

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

7.8 Identification of Vehicles as Hackney Carriage or Private Hire

Hackney carriage vehicles will display a **yellow** licence plate on the rear of the vehicle, and an internal badge should be displayed in the front windscreen, on the passenger side and not obscure the driver's view. In wheelchair accessible vehicles, this badge should be displayed on the partition between the driver and passengers.

In addition, hackney carriages will have an illuminated 'taxi' roof sign.

All Hackney Carriages must be white in colour with black and white chequered stripes on the side. Private Hire Vehicles must not be white or purpose-built taxis.

Private hire vehicles will display a **green** licence plate on the rear of the vehicle and a smaller internal badge on the inside of the vehicle, as per hackney carriages.

7.9 Fire Extinguishers

All vehicles are required to be equipped with a fire extinguisher that conforms to the specification as stated in the Council's conditions.

7.10 Tyres

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

Tyre treads are designed to efficiently and effectively remove water from the road surface and provide maximum grip. All tyres fitted to the vehicle must have at least 1.6mm tread depth throughout a continuous band in the centre 3/4 of the tread and around the entire circumference of the tyre.

Tyres fitted to a motor vehicle must be fit for purpose and be free from any defects which might damage the road or endanger any person. Fit for purpose means that a tyre must:

- be compatible with the types of tyres fitted to the other wheels;
- not have any lump, bulge or tear caused by separation or partial failure of the structure;

- not have a cut or tear in excess of 25mm or 10% of the sectional width of the tyre, whichever is the greater, and which is deep enough to reach the ply or cord;
- not have any part of the ply or cord exposed;
- be correctly inflated to the vehicle/tyre manufacturer's recommended pressure.

All replacement tyres fitted to licensed vehicles must be new (i.e. not have been used previously on any other vehicle) and have been fitted by a reputable vehicle maintenance company/contractor. Vehicle proprietors are required to retain invoices/receipts to show that any tyre that is purchased meets this requirement. The fitting of part worn tyres to licensed vehicles is not permitted.

'Space saving' spare wheels must only be used in an emergency and then only in accordance with the manufacturer's instructions. Should the use of a 'space saving' spare wheel become necessary during a period of hire then the journey may continue, but the wheel must be replaced before another journey commences.

7.11 Accidents

If at any time the vehicle is involved in an accident, however minor, the driver must inform the Council of this fact as soon as possible and in any event within 72 hours (by letter or email).

The vehicle must be presented for inspection at the Council offices as soon as possible after the accident has taken place. Failure to present the vehicle for the inspection may result in the vehicle's licence being suspended until the vehicle is presented for examination.

If the vehicle is so damaged that it cannot be driven, then the vehicle proprietor must inform the Council of this fact – the Council will then advise the proprietor of the action to be taken.

In such cases the proprietor is advised to take photographic evidence of the vehicle's condition that clearly illustrates the reasons why the vehicle cannot be driven/presented for examination.

7.12 Vehicle Examination and Testing Requirements

Any vehicle presented for licensing on first application will be required to have a mechanical test at one of the Council's approved testing station.

The test certificate must be handed to the Council within three working days of the test being undertaken.

7.13 Taximeters

Hackney carriage vehicles are required to have a taximeter calibrated with the Council's fare tariffs. Private hire vehicles may have a taximeter, but it is not a requirement to do so, which may be calibrated with a private hire operator's fare tariff.

The Council has approved the use of Digitax. The meter agents are:

- Digitax meter 07774 443804

7.14 CCTV Cameras

Outward facing CCTV cameras that do not record passengers, such as 'dash-cams' may be used in licensed vehicles without the need to notify the Council. CCTV cameras that record passengers either images or sound or both must be a system that has been approved for use and permission must be obtained from the Council before it is installed.

Once a CCTV camera has been installed, it will be sealed with a tamper-proof seal. CCTV footage may be downloaded by the Council, by a private hire operator registered as a 'data controller' with the information commissioner. CCTV images recorded in licensed vehicles may not be published to the public, via any method, without the permission of the Council.

Permission will not generally be granted, unless the consent of any person featuring in the CCTV has been obtained in writing or it is in the public interest.

8. Fares

8.1 Hackney Carriage Vehicles

The hackney carriage table of Fares ("the tariff") is set by the Council and sets the maximum fare that can be charged by hackney carriage drivers for journeys within the Borough which can be negotiated downwards by the hirer for journeys. The hirer may agree to the fare for a journey that terminates outside the Borough boundary being charged other than at the metered rate.

A fares tariff is enforceable as a byelaw and it is an offence for the driver to charge more than the metered fare.

The Council will review hackney carriage fare tariffs from time to time and in line with the consumer Price index (CPI) for the previous year and in liaison with hackney carriage proprietors. A notice of any variation to hackney carriage fares will be advertised by the Council.

A table of authorised maximum fares will be provided to each hackney carriage licence holder, which must be displayed in the vehicle in a position where it is visible to passengers.

Drivers must, if requested by the hirer, provide written receipts for the fare paid.

8.2 Private Hire Vehicles

The Council is not permitted to set fares for private hire vehicles.

Private hire vehicles that are fitted with a taxi meter must provide the Council with a current table of fares. This table shall also be displayed in the private hire vehicle where it is easily visible to passengers.

Drivers must, if requested by the hirer, provide written receipts for the fare paid.

9. Private Hire Operators

9.1 Requirement for a Licence

A licensed private hire vehicle must only be dispatched to a customer by a private hire operator with a private hire operator's licence. Such a licence permits the operator to make provision for the invitation and acceptance of bookings for a licensed vehicle.

A private hire operator must ensure that every licensed private hire vehicle is driven by a licensed private hire driver who is licensed by the same local authority that issued the vehicle licence. This local authority must be the same as the one that issued the private hire operator's licence.

Any person who operates a private hire service must apply to the Council for a private hire operator's licence. The objective in licensing private hire operators is the safety of the public who will be using operator's premises, and vehicles and drivers arranged through them.

The Council will grant private hire operator's licences for a maximum of five years, but an applicant may request a lesser period.

9.2 Application Process

The person who will be in day-to-day charge of the business will be required to hold a certificate of competence issued by the Council. In order to obtain this certificate, this person will be required to pass a knowledge test on the conditions of licence attached to the operator's licence, private hire vehicle licence and private hire driver's licence. The pass rate is 90%.

To apply for an operators' licence you will need to complete an application form and pay the required fee. The day to day manager of the business can be the person who is applying for the operator licence or can be a person nominated by the applicant.

An applicant for an operator's licence will be required to submit a basic DBS certificate, unless the applicant has already submitted a DBS certificate in connection with an application for a driver's licence.

Where an operator's licence is in existence and the person who holds the certificate of competence leaves, the operator will need to speak to the licensing team as soon as possible. The Council will allow a period of grace for a replacement to be appointed but communication is essential.

9.3 Fitness and Propriety

The Council will only issue licences to applicants who are deemed to be fit and proper. In assessing this, the Council will have regard for the following:

- Criminal records (including convictions, cautions, warnings and reprimands);
- Factors such as demeanour, general character, non-criminal behaviour, honesty and integrity;
- Previous conduct (particularly where an applicant has previously held a licence with this or another local authority);
- Business practices demonstrated by the applicant (for instance standard of record keeping, compliance with other regulatory requirements, financial

practices).

In addition, the Council may consider other information sources such as the Police, children and adult safeguarding boards, other licensing authorities and statutory agencies.

If an application is received by a person who is not a currently licensed driver with Rugby Borough Council, the applicant will be required to provide a basic disclosure from the Disclosure and Barring Service.

9.4 Use of Operator Name following a Licence Revocation

Where the Council has revoked a private hire operator's licence, the operator name will not be permitted to be used by another applicant within 48 months of the revocation.

9.5 Operator Responsibility in respect of drivers/vehicles that are Operated

The operator is responsible for all persons (and vehicles) that are employed, used, contracted or otherwise used in the course of their business. To that end, the operator must undertake sufficient checks to satisfy themselves that only suitable drivers and vehicles are used (and continue to be used) in the course of their business. The failure of an operator to ensure that appropriate checks are carried out may call into question the operator's fitness and propriety. In addition, a failure to take appropriate action in relation to drivers who persistently breach licence conditions may also be detrimental to the continued fitness and propriety of an operator.

The following are examples of circumstances that may affect the fitness and propriety of a private hire operator:

- Vehicles being operated that are in an unsuitable condition;
- Vehicles being operated without appropriate insurance in place;
- A failure to co-operate with the Council in investigating complaints;
- A failure by operators to satisfactorily address concerns/complaints in relation to licensed drivers/ vehicles

9.6 Conditions of Licence

The Council may attach such conditions to a Private Hire Operator's Licence as are considered necessary

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

10. Fee Structure

The legislation provides that fees charged to applicants can cover the costs of the Council in providing the licensing services. This includes the administration of applications and ensuring compliance by licencee's within the hackney carriage and private hire trade and unlicensed businesses.

11. Compliance and Enforcement

11.1 Enforcement

The principal purpose of hackney carriage and private licensing is to protect the public and promote public safety. In doing this the Council aims to provide the delivery of efficient, targeted and proportionate regulatory services to provide a positive approach to those regulated.

A range of tools and powers, to ensure compliance, including mystery shopping, will be used. Compliance assessment is ultimately to ensure that the driver or operator is a 'fit and proper' person to hold a licence and/or the vehicle is safe. The safety of passengers, pedestrians and other road users is paramount.

Where appropriate, referrals to other agencies will be made, such as, the Police, HM customs and excise, and both/child or adult safeguarding teams.

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

If the Council considers it necessary, in the interests of public safety, it may require a suspension or revocation to take place immediately.

Once a licence has been suspended or revoked, the licence holder (or former licence holder) may appeal to the local Magistrates Court in order to challenge the Council's decision. There is no other recourse available should they wish the suspension or revocation to be reversed.

11.2 Suspension of Licences

Where an individual failure in meeting the vehicle conditions is detected, an authorised officer may take immediate action to suspend the licence and require remedial action. This requires the service of a 'stop order' and further use of the vehicle will be suspended until the defects have been remedied. The suspension will then not be lifted until it has undergone a further test at the proprietor/driver's expense and/or been passed as fit for service by an officer of the Council and the appropriate fee has been paid.

In situations, where there exists a serious risk to the safety of the public the Manager responsible for licensing, in conjunction with the chair of the licensing and Sub- committee, has the delegated authority to immediately suspend or revoke a driver's licence.

In situations where there is no serious risk to the safety of the public, licence holders may be required to appear before the Licensing Sub-Committee for it to determine if a person

remains fit and proper to continue to hold a licence. The sub-committee may suspend or revoke driver, vehicle and operator licences.

When considering revocation, consideration will be given to all the relevant facts and circumstances, including the aims and objectives of this policy and the nature of the breach.

Where a driver's licence has been revoked by the Council, a period of 1 year must elapse before a new application for the grant of a licence will be considered.

11.3 Refusal to Renew a Licence

In circumstances where an applicant has not provided all relevant information, documents, or has failed to comply with any of the requirements to renew a licence, within 28 days of the expiration of the former licence, an authorised officer of the Council may refuse to renew the licence.

The applicant is able to appeal this decision to the local Magistrates Court.

11.4 Prosecution of Licence Holders

The Council will prosecute licence holders for relevant offences in accordance with the Environmental Health Enforcement Policy.

11.5 Appeals

All notifications to licence holders will include information on how to appeal and to whom the appeal is made, if the right of appeal exists.

11.6 Service Requests and Complaints

The public may submit service requests and complaints/concerns about licensed drivers, vehicles and operators via email to licensing@rugby.gov.uk.

In considering the most appropriate course of action to take in relation to a complaint, the credibility of the complainant and the licence holder will be taken into account. In addition, if anyone wishes to complain about the service provided by the Council, there is a complaints procedure on the Council's website.

(APPENDIX A)

How we treat convictions and cautions when we consider granting, renewing, suspending or revoking a Hackney Carriage Licence or Private Hire Licence, or a vehicle operator or proprietor.

12.1 Introduction

Convictions will not necessarily stop you getting or keeping a hackney carriage or private hire licence. If a conviction means you must wait for a while before we will accept your licence application, we believe you are more likely to value your licence and act accordingly. However, we regard some offences as so serious they will usually prevent you getting or keeping a licence forever.

Our policy is to consider the safety, protection and well-being of the public by ensuring all licensed drivers are safe, competent drivers who maintain their vehicles to an acceptable standard. Our main aim is to ensure public safety, not punish applicants or licence holders.

We want to keep up the high standard of hackney carriage and private hire drivers, operators and proprietors in Rugby. This will maintain the taxi industry's good reputation, as well as giving the public a high quality of service.

12.2 Definitions

<u>Appeal</u>	A review of our decision. You appeal to the magistrates' court or the crown court. The court may uphold our decision (the court agrees with us) or overturn it (the court agrees with you).
<u>Caution</u>	An acceptance of guilt of an offence without a conviction
<u>Conviction</u>	A court decides someone is guilty of a crime.
<u>Borough</u>	The area covered by Rugby Borough Council.
<u>Driver</u>	The person licensed to drive the vehicle.
<u>Conviction-free period</u>	A period without any further convictions.
<u>Fit and proper person</u>	<p>A person we think has the right characteristics and ability because, for example, they:</p> <ul style="list-style-type: none">• are no threat to the public;• have good knowledge of the district;• are healthy - i.e. meets Group II medical requirements; and• are of good character (including driving record). <p>We therefore regard them as fit and able to hold a licence.</p>
<u>Hackney carriage</u>	<p>A vehicle that can:</p> <ul style="list-style-type: none">• carry passengers for hire or reward;• be hailed by a prospective passenger;• park on a rank to await the approach of passengers;

- and is available for public hire.

Licencee

A person who holds a hackney carriage driver's licence, private hire drivers licence or private hire operator's licence issued by Rugby Borough Council.

Mitigating circumstances

The circumstances of a conviction, presented to explain why it happened and try to reduce its seriousness.

Private hire vehicle

A vehicle whose hire must be pre-booked with a private-hire operator. This type of vehicle must not stand in a rank or ply for hire (be hailed).

Proprietor

The person in possession of a vehicle licence.

Operator

A business that invites or accepts bookings for a private-hire vehicle.

Refuse/refusal

We decide not to give something, usually a licence. It also means, in this policy, revoking or suspending a licence.

Revoke

To take away a licence permanently.

Suspend

To take away a licence temporarily.

Verbal warning

A spoken statement saying that although a conviction or complaint was not serious enough for a written warning, the offence/incident has caused us concern as regards the person's suitability to hold a licence. Similar behaviour in future could lead us to take further action on the licence.

Written warning

A letter saying that although a conviction or complaint was not serious enough for us to suspend or revoke a licence, the offence/incident has caused us concern as regards the person's suitability to hold a licence. Similar behaviour in future could lead to the licence being suspended or revoked.

We

Rugby Borough Council, usually acting through its officers.

12.3 Our powers and duties

Our duty to regulate hackney carriage and private hire vehicles, driver and private hire operators in the Borough comes from a number of laws:

- Local Government (Miscellaneous Provisions) Act 1976
- Town Police Clauses Act 1847 (as amended)
- Road Safety Act 2006 (Sections 52-53)
- Immigration Act 2016
- Deregulation Act 2015
- Equality Act 2010

The role of the hackney carriage and private hire trade

The trade provides services where buses, trains and other public transport are not available. For example, in rural areas buses will often not run at late hours or regularly on Sundays. People with mobility difficulties may find it easier to use wheelchair-accessible hackney carriages than other forms of public transport.

The trade is important in getting people safely home from night clubs and other city-centre locations, which supports the night-time economy.

12.4 Criminal offences and the Rehabilitation of Offenders Act 1974

Hackney carriage and private hire drivers are listed as regulated occupations in the Rehabilitation of Offenders Act 1974 (Exceptions) Order (Amendment) (No 2) 2002. Therefore, a conviction is never 'spent'. This means that when deciding whether you can be licensed, we will always be able to consider a conviction you have had regardless of how old it is.

All types of criminal offences can be relevant. So, we take into account **all** convictions, regardless of your age at the time of the offence, sentence or the type of offence. You must declare all motoring and criminal convictions on your application form and complete a disclosure and barring service form.

In addition, you must disclose any recent formal cautions you have received and any pending criminal or motoring matters.

We may refer to the Rehabilitation of Offenders Act 1974 as part of our assessment of the convictions. We provide a summary of the Act. The fact that a conviction is not yet spent under the Act may increase the impact of the offence in the Licensing Officer's decision-making.

12.5 Disclosure and Barring Service Checks

At application and renewal stage, we require you to complete a Disclosure and Barring Service check (DBS). A DBS is an important safety measure for all drivers. The DBS provides details of live and spent convictions, police cautions, intelligence, and other information.

Anyone who would like to be a licensed driver must obtain a disclosure at the enhanced "Other Workforce" level.

Any person arriving in the UK if not in the country for five years needs a certificate of

good conduct. If any applicant has, from the age of 10 years, spent six continuous months or more living outside the United Kingdom, evidence of a criminal record check (DBS or equivalent) from the country/countries covering the relevant period will be required.

12.6 Right to Work

The UK Government has changed the law regarding private hire driver, hackney carriage driver and private hire operator licences with effect from 1 December 2016. These changes will affect you if:

- you apply for a driver's or operator's licence after 1 December 2016; or
- you already hold a driver's or operator's licence and you apply to renew your licence after 1 December 2016.

The legislation does not affect applications for vehicle licences.

What do the changes mean?

The changes mean that, from 1 December 2016, we as a licensing authority have a legal duty to ensure that driver and operator licences are only issued to applicants who have the right to hold a licence in the UK.

In order to comply with this duty, we have to check that all applicants after 1 December 2016 have the right to work in the UK. This law applies to everyone regardless of where they were born; how long they have lived in the UK and, if they already hold a driver or operator licence, or for how long they have held that licence.

How the changes will affect you

For applications received after 1 December 2016 you will be required to provide original and valid evidence of your right to work in the UK **before** your licence will be issued. Should you fail to do so, your licence will not be issued, and your application will not be processed further. **It is your responsibility to ensure that you have valid documentation with evidence of your right to work in the UK.**

Documents

Only certain forms of documentation are acceptable. The list of acceptable documents can be found here:

<https://www.gov.uk/government/publications/right-to-work-checklist>

If you are a British Citizen, all you need to produce is your passport. For British Citizens who do not have British passports, there are other documents which you can produce instead. These are contained in List A on the right to work checklist.

If you have restrictions on your right to work in the UK, you must produce one of the documents in List B on the right to work checklist.

Please note that you must provide the original. We will **not** accept a photocopy.

If you do not possess any of the mentioned forms of documentation, you must let us know as soon as possible. It is your responsibility to make sure that you can provide one of the acceptable forms of documentation, and you should take steps to obtain the necessary documentation. If the documentation you provide demonstrates that you have a permanent

right to work in the UK, you **will not** be required to produce this on future applications.

In other cases, you will be required to provide your documentation when you next apply to renew your licence, so that your documentation can be checked again. You may be required to produce this evidence earlier if your right to work in the UK is limited to a shorter period.

As part of these changes from the Home Office it is also important to highlight a change with regard to a visa in an expired passport.

If you currently have a visa that confirms your stay in the UK that is attached to an expired passport, this is **no longer accepted**. As a result, you will need to apply to the Home Office in order to correct this before being issued with a driver's or operator's licence.

12.7 Best Practice Guidance

The Department for Transport (DfT) has national responsibility for hackney carriage and private hire legislation in England and Wales. As a result of the Office of Fair Trading producing a report on the UK hackney carriage and private hire trade, the DfT was asked to produce best practice guidance for local licensing authorities. This policy has taken into account that Guidance (2010)

The Department for Transport's advice in the Taxi and Private Hire Vehicle Licensing Best Practice Guidance can be found here:

<https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance>

This document recognises that licensing authorities may reach their own decisions both on overall policies and on individual licensing matters, in the light of their own circumstances.

We have taken account of the DfT guidance and the Institute of Licensing (IoL) guidance to develop this policy.

This policy also takes account of the legislative basis of the Council's taxi licensing powers, including those contained in the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976, and the Immigration Act 2016.

12.8 How will we use the policy?

Our overriding aim when carrying out our functions relating to the licensing of hackney carriage or private hire drivers, vehicle proprietors and operators, must be the protection of the public and others who use (or can be affected by) hackney carriage and private hire services. Public protection is at the forefront of our minds when determining whether an individual is considered a "fit and proper person" to hold a licence.

This document is intended to provide guidance on determining suitability, taking into account the character of the applicant or licensee. It sets out how we will review the history of the applicant or licence holder and its relevance to their 'fitness and propriety' or 'character'. As with any guidance it provides a starting or reference point from which decisions can be made taking into account the particular merits of each case.

The relevant legislation provides that any person must satisfy us that they are a fit and proper person to hold a licence. This is the test that we will apply once an applicant has

met all other requirements.

Given the important function of the licensing department to protect the public, any requirement should be set at the highest level, subject to the exercise of discretion. We will consider all relevant factors including previous convictions, cautions and complaints and the time elapsed since these were committed.

Each case will always be considered on its merits having regard to the policy, and we can depart from the policy where we consider it appropriate to do so. This will normally happen where we consider that there are exceptional circumstances which warrant a different decision. This approach was endorsed by the High Court in *R (on the application of Nicholds) v Security Industry Authority* [2006] EWHC 1792 (Admin).

12.9 Why do we look at convictions?

The licensing process places a duty on local authorities to protect the public. Given the nature of the role, it is paramount that those seeking a living in the trade meet the required standards. As previous offending behaviour can be considered as a predictor in determining future behaviour as well as culpability. It is essential we consider all relevant factors including previous convictions, cautions and complaints and the time elapsed since these were committed.

Where we become aware of any issues including previous criminal convictions, any arrest, any charges, inappropriate behaviour for a hackney carriage or private hire driver or significant comments on any DBS check, consideration will be given to each licence holder's suitability for licensing against the following criteria (in no particular order):

- nature of the offence/conduct/charge etc.
- circumstances in which the offence/conduct/charge etc. was committed
- timely notification to the Council of offence/conduct/charge
- circumstances of the individual concerned
- subsequent periods of good behaviour
- overall conviction/behaviour history
- sentence imposed by the court
- seriousness of the offence/conduct/charge etc.
- any other character check considered reasonable (e.g. personal references)
- taking all the above issues into account, together with any other relevant issues, whether the protection of the public may be at risk.

12.10 Types of convictions

Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime.

We will consider all fixed penalties and formal cautions. Cautions may not always be as serious as convictions, but they will give some indication as to your character. We will bear in mind that a caution is given where there is *sufficient evidence* for a prosecution. An admission of guilt is required before a caution can be issued. Accordingly cautions will be assessed in the same way as a conviction. Fixed penalties and community resolutions will also be considered in the same way as a conviction. This is because payment of a fixed penalty indicates acceptance of guilt, and a community resolution can only be imposed following an admission of guilt.

Penalty notices are similar to fixed penalties but are issued for a wide range of offences of an anti-social nature. These include behaviour likely to cause harassment, alarm or distress to others, drunk-and-disorderly behaviour in a public place, destroying or damaging property up to the value of £500, retail theft under £200, sale of alcohol to a person under 18 years of age, selling alcohol to a drunken person or using threatening words or behaviour. We will also consider these because they can give an indication of character. If a court finds you have committed an offence, we have to accept this at face value so we cannot consider your belief that you were not guilty. However, you can tell us about any mitigating factors that led you to commit the offence. We will take these into account.

In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, we will decide what action to take in the light of these guidelines.

Where an applicant/licensee is convicted of an offence which is not detailed in this Policy, we will take that conviction into account and use these guidelines as an indication of the approach that should be taken.

12.11 Number of convictions

Whilst it is possible that a licence holder may have a number of previous convictions that, individually, meet the guidelines below, the overall offending history must be considered when assessing the licence holder's suitability to continue to be licensed. A series of offences/behaviour over a period of time is more likely to give cause for concern than an isolated minor conviction/demonstration of unacceptable behaviour.

Obviously, some discretion can be afforded if an offence is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.

Generally, where a person has more than one conviction, this will raise serious questions about their safety and suitability. We are looking for safe and suitable individuals, and once a pattern or trend of repeated offending is apparent, a licence will not normally be granted or renewed.

12.12 Suitability to hold a licence

The law says we may grant a licence **only** if we are satisfied that the person is 'fit and proper'. So, **you** have to prove you are fit and proper on the balance of probability. In other words, you must persuade us that it is more likely than not that you are an appropriate person to hold a licence.

The law says you must be a “fit and proper” person to hold a licence. This means you must:

- be a safe driver with a good driving record
- have adequate driving experience
- be mentally and physically fit
- be honest
- not take advantage of your position to abuse, assault or defraud customers.

We will consider the range of passengers you might carry, such as:

- vulnerable adults
- elderly people
- unaccompanied children
- disabled people
- those who have had too much to drink
- lone women
- tourists including visitors from abroad
- You may also carry unaccompanied property

Some areas cause particular concern:

- **Honesty and trustworthiness** – drivers often know that a customer is leaving a house empty; and they have opportunities to defraud drunken, vulnerable or foreign people, or to steal property left behind by passengers in cars. You must not abuse your position of trust. For example, passengers expect you to charge the correct fare and give the correct change; they expect you to hand in any article they leave in a vehicle; and they expect you to maintain confidentiality.
- **Not abusive** – drivers are often subject to unpleasant or dishonest behaviour. We do not expect drivers to retaliate with aggressive or abusive conduct. Drivers are expected to avoid confrontation, and to tackle disputes through the proper legal channels. They should never take the law into their own hands.
- **Good and safe driving** – Passengers rely on you to get them safely to their destination. So, you should be fully aware of all road-traffic law and your licence conditions.

We want to ensure that licensed drivers, operators and proprietors will **not** be a risk to the public. Some applicants say our decisions punish them again for the same conviction, but this is not our intention as our priority is always to protect the public. If you have to wait a while to get a licence, we hope you will value it more highly.

12.13 Deciding whether to revoke or suspend a licence immediately

If we decide to suspend or revoke a licence, this will normally take effect at the end of the 21-day period starting with the day on which we give the driver the notice, unless you lodge an appeal at the court. If you lodge an appeal, our decision will not take effect until the appeal is determined.

However, section 52 of the Road Traffic Act 2006 allows us to suspend or revoke a licence immediately in the **interests of public safety where the risk to the public is great**. If we

are using this section, we will tell the driver in writing at the time of the revocation or suspension. The letter will explain why we have used this section in your case. This takes effect as soon as we notify you, regardless of whether or not you appeal.

12.14 Medical

Drivers are required to demonstrate compliance with the medical standards for a group 2 licence and will have to provide a medical certificate, our prescribed form, to this effect.

This should be no older than 3 months at the time of the application. All drivers are required to provide a certificate signed by their registered medical practitioner to declare whether or not they are physically fit, in line with the DVLA Group 2 medical standards, to be the driver of a hackney carriage or private hire vehicle. A medical certificate must be submitted at first application, every 3 years up to 60 years of age, every 3 years, and annually thereafter. Where an existing licensed hackney carriage driver applies to obtain a private hire licence, or vice versa, an additional medical certificate will not be required.

We will have regard to the published Department of Transport “best practice” guidance: <https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance> (as updated from time to time) when considering the medical fitness of new applicants with insulin dependent diabetes or existing licence holders diagnosed with insulin dependent diabetes during the duration of their licence.

Where there is reasonable doubt over a driver’s fitness, we will require the driver to undertake a medical examination by a registered medical practitioner at any time as specified by us. The applicant is responsible for the payment of all fees required for any medical examination.

If there is reason to suspect alcohol/drugs misuse or dependency, a specialist medical examination and report may be required to ensure that the applicant meets the DVLA Group 2 medical standards in relation to alcohol/drugs misuse and dependency.

Policy on exempting drivers on medical and physical condition grounds

The requirements of Section 165, which places a duty on a driver of a designated wheelchair accessible vehicle to take a wheelchair user, of the Equality Act 2010¹ do not apply to drivers who are issued with a medical exemption certificate who display the prescribed notice in their vehicle.

Generally, we will seek to consider the contents of a driver’s exemption application (completed by the driver and their doctor) when a driver requests to be granted the required exemption, confirming that the driver is not able to provide this service and should be granted an exemption certificate. Any charges associated with additional GP reports must be met by the driver and will not be reimbursed by us.

We are also able to issue certificates to drivers who are exempted by their doctors under strict medical grounds from the duty to carry assistance dogs. Exemption certificates will only be issued when written requirement for this exemption is provided by the driver’s registered GP practice. Any charges associated with additional GP reports must be met by the driver and will not be reimbursed by us.

12.15 Safeguarding

We are committed to ensuring the safety and welfare of all vulnerable persons including children and young people, to whom we provide services directly or indirectly and with whom we come into contact.

Drivers are on the frontline, often coming into contact with people who may be vulnerable, for example because they are young, have learning difficulties, be suffering ill health, or be elderly or who have drunk to excess on a night out, or who may have taken an illegal substance. Such persons may be travelling alone or accompanied by another person.

Sadly, there are persons who prey on precisely these people and drivers are often best placed to raise concerns over what they hear or see occurring whilst in their vehicles. Drivers may also have concerns over the vulnerability of passengers who are being dropped off at locations in or out of the district. For example, drivers in other authorities have reported concerns that young persons are being dropped off at a particular guest house, hotel or house and are either distressed before being dropped off or after they have been picked up as a fare paying passenger.

Information is provided on our website in relation to safeguarding and applicants and licencees have a duty to report matters if they suspect harm.

When you have concerns regarding a child

If you are worried about a young person, you must do something. There are specialists who can advise you on what to do next.

Children Schools and Families reporting line for Social Services – 01926 414144(out of hours 01926 886922)

If you think a child or young person is in immediate danger call 999.

When you have concerns regarding an adult

Adults at risk reporting line for Social Services – 01926-412080 (out of hours 01926 886922)

For up to date information you should visit the safeguarding section of the Rugby Borough Council website:

12.16 Driving offences

Private hire and hackney carriage drivers are professionals who must at all times be aware of their passengers' safety and that of their vehicles. All traffic offences result from irresponsible driving or a lack of vehicle maintenance.

Convictions for traffic offences (including fixed penalties) will not necessarily prevent you getting a licence. However, we will consider the number, type and frequency of an offence. In some cases, we may issue a licence along with a strong warning as to future driving conduct. If you disclose a significant history of offences, we may refuse your application.

Motoring convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be

committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a fit and proper person to be granted or retain a licence.

Drink driving/driving under the influence of drugs/using a hand-held telephone or hand-held device whilst driving

Where an applicant has been convicted for drink driving or driving under the influence of drugs, a licence will not be granted until at least **7 years** have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

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

Other motoring offences

A minor traffic or vehicle related offence is one which **does not** involve driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in death or injury to any person or damage to any property (including vehicles).

Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least **5 years** have elapsed since the completion of any sentence imposed.

A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in death or injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least **7 years** have elapsed since the completion of any sentence imposed.

Hackney carriage and private hire offences

Where an applicant has been convicted for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use), a licence will not be granted until at least **7 years** have elapsed since the completion of any conviction imposed.

Vehicle use offences

Where an applicant has been convicted for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least **7 years** have elapsed since the completion of any sentence imposed.

12.17 Motoring Offences

OFFENCE	EXCLUSION PERIOD FOR LICENSED DRIVER/NEW APPLICANT i.e. period free of convictions before a licence will be considered
<p>Minor Traffic Offences- 7 or more points on the DVLA licence for minor traffic or similar offences</p> <p>Disqualification from minor traffic or similar offences</p>	<p>DVLA Licence free from conviction for 5 years</p> <p>Revocation - then 5 years free from conviction</p>
<p>Major Traffic Offences A major traffic or vehicle related offence</p> <p>Disqualification from major traffic or vehicle related offence</p>	<p>Suspension/Revocation - 7 years</p> <p>Suspension/Revocation - 7 years</p>
<p>Drunkenness/Drugs with Motor Vehicle</p>	<p>7 years</p>
<p>Motor Vehicle Insurance Driving without valid insurance</p> <p>Whilst working in a hackney carriage or private hire</p>	<p>7 years</p> <p>Immediate Revocation then 7 years</p>
<p>‘Totting up’ under section 35 Road Traffic Offenders Act 1988</p> <p>If there are 12 or more penalty points on your DVLA licence, the court will normally disqualify you for at least six months under the totting-up rules. These points can be gained from major and minor traffic offences.</p> <p>If the Court allows an ‘exceptional hardship’ so that they do not disqualify you, you will retain your DVLA licence with 12 penalty points on the licence</p>	<p>If you have been disqualified under totting up, we will normally refuse a licence until you have had 7 years free of convictions.</p> <p>We will still normally refuse a licence and will require 7 years free of convictions.</p>

12.18 Drug offences

We take a serious view of any drug related offence because taking drugs and driving poses an obvious risk to public safety. Given the ease with which a vehicle can be used to assist the supply of drugs, any applicant who has convictions for the supply of drugs will cause us considerable concern. The nature and quantity of the drugs, whether for personal use or supply are issues which we will consider.

Due to the nature of a driver's involvement with the public, a licence will not normally be granted where the applicant has been convicted for an offence related to the supply or connected with possession with intent to supply, import or production of drugs until a period of at least **10 years** from sentence has past.

Possession

Where an applicant has been convicted for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least **5 years** have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

If there is evidence of persistent drugs use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) may be required before the licence is granted. If the applicant was an addict, then they would normally be required to show evidence of **5 years** free from drug taking after detoxification treatment. Any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

12.19 Sexual offences

As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences will cause us concern. All sexual and indecency offences will be considered as serious.

Where an applicant has been convicted for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted. In addition to the above, we will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.

Offences involving children - Child Sexual Exploitation (CSE)

One of the aims of this policy is to protect the public and safeguard children and the vulnerable.

Sexual exploitation of children and young people under 18 involves exploitative situations, contexts and relationships where young people (or a third person) receives "something" (e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money) as a result of them performing, and/or another or others performing on them, sexual activities. In all cases, those exploiting the child/young person have the power over them by virtue of their age, gender, intellect, physical strength and/or economic or other resources.

Children and young people may be taken to public or private venues, rooms, hotels or houses for the purpose of sexual abuse.

All drivers are expected to report any suspicion or concerns that a child or young person is being transported for the purposes of sexual abuse. Where a driver becomes aware or concerned that they or other drivers are transporting a young person or a number of young

people to specific premises or venues either accompanied or alone on a regular basis and they suspect the young person may be subject to exploitation they must report their concerns to the police.

Drivers of hackney carriage and private hire vehicle are often entrusted with the care of children and young person. It is easy for a dishonest driver to take advantage of such vulnerable persons.

A licence will not be granted where an applicant has been convicted for any CSE related offence.

12.20 Violence

As licensed drivers have close contact with the public, we will regard any convictions for violence as serious when deciding whether the applicant is fit and proper.

Where an applicant has been convicted for an offence of violence (such as ones listed below), or connected with **any** offence of violence, we will normally refuse until at least **10 years** have elapsed since the completion of any sentence imposed.

- Arson
- Malicious wounding or grievous bodily harm which is racially aggravated
- Actual bodily harm which is racially aggravated
- Grievous bodily harm with intent
- Robbery
- Possession of firearm
- Riot
- Assaulting Police
- Common assault which is racially aggravated
- Violent disorder
- Resisting arrest
- Racially-aggravated criminal damage
- Racially-aggravated offence
- Common assault
- Assault occasioning actual bodily harm
- Affray
- S5 Public Order Act 1986 offence (harassment, alarm or distress)
- S4 Public Order Act 1986 offence (fear of provocation of violence)
- S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Obstruction of a Police officer
- Criminal damage
- **Or any similar offences where the element of the offence is one of threats of violence or actual violence, or offences of public disorder or threatened public disorder (including attempt or conspiracy to commit the offences listed above or similar)**

Licensed drivers have close regular contact with the public, so an applicant or current driver involved in violent offences raises an obvious risk to the public.

Crimes resulting in death

Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person

a licence will not be granted.

Terrorism offences

If an applicant has been convicted of Terrorism offences or any similar offences (including any attempt or conspiracy to commit), this will give serious concern as to whether the person is fit to carry the public and a licence will not be granted.

Possession of a weapon

Where an applicant has been convicted for possession of a weapon or any other weapon related offence, we will normally refuse a licence until **7 years** have elapsed since the completion of any sentence imposed.

More than one offence

Notwithstanding the time periods listed above, we will usually refuse a licence if an applicant has more than one conviction in the last **10 years** for an offence of a violent nature.

12.21 Discrimination

As licensed drivers have close contact with the public, we will regard any convictions for discrimination (including hate crimes) as serious when deciding whether the applicant is fit and proper.

It is against the law to discriminate against anyone because of:

- age
- being or becoming a transsexual person
- being married or in a civil partnership
- being pregnant or on maternity leave
- disability
- race including colour, nationality, ethnic or national origin
- religion, belief or lack of religion/belief
- sex
- sexual orientation

Hate crime is any crime that is perceived as having been motivated (entirely or partially) by a hostility to or prejudice against a personal characteristic or perceived personal characteristic.

This includes any offence that involves unlawful discrimination as an aggravating factor.

Hate crime refers to offences relating to disability, gender-identity, race, religion/faith and sexual orientation. Crimes based on hostility to age, gender or appearance can also be hate crimes.

Hate crime can take many forms including but not limited to:

- physical attacks such as assault, grievous bodily harm and murder, damage to property, offensive graffiti and arson
- threat of attack including offensive letters, abusive or obscene telephone calls, groups hanging around to intimidate, and unfounded, malicious complaints, and

- verbal abuse, insults or harassment – taunting, offensive leaflets and posters, abusive gestures, dumping of rubbish outside homes or through letterboxes, and bullying at school or in the workplace.

If an applicant has been convicted for any discrimination offence, we will normally refuse until **7 years** have elapsed since the completion of any sentence imposed.

12.22 Dishonesty

A licensed private hire or hackney carriage driver is expected to be a trustworthy person. They deal with cash transactions and valuable property may be left in their vehicles. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in licensed drivers. It is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal or agreed fare. Drivers may well deal with customers who are vulnerable or intoxicated and potentially easily confused.

Licence holders also have access to the names and addresses of their customers and their daily movements. Overseas visitors may not be familiar with the currency or costs of journeys and may be vulnerable to a dishonest driver.

Nationally it has been known for drivers to pass information on vulnerable persons to others for later abuse or to abuse vulnerable persons, including taking money from such persons. For all these reasons, a serious view is taken of any conviction involving dishonesty.

Where an applicant has been convicted for any offence of dishonesty, or any offence where dishonesty is an element of the offence, we will normally refuse to licence until at least **7 years** have elapsed since the completion of any sentence imposed.

More than one offence

We will normally refuse a licence if an applicant has been convicted for more than one dishonesty offence. Applicants or existing licence holders that are found to have intentionally misled the Council, or lied as part of the application process, will normally be refused.

12.23 Administration of justice

For the licensing service to work effectively, licensed drivers must co-operate with police and our officers.

So, we will consider the following matters relevant when deciding whether someone is fit and proper.

The licensee shall be guilty of an offence if they:

- Willfully obstructs an authorised officer acting in pursuance of Part II of the 1976 or the Town Police Clauses Act 1847;
- Fails to comply with any requirements made to them by an authorised officer;
- Without reasonable cause fails to give an authorised officer any other assistance or information which they may require for the performance of their functions.

Where an applicant has been convicted for one of these offences or a similar offence, we will normally refuse to licence until at least **5 years** have elapsed since the completion of any sentence imposed.

Police investigations

From time to time the police will notify us to advise that a licensed driver is under police investigation. We will assist the police with their investigations and provide them with any relevant information.

Where information that a driver is currently being investigated comes to the attention of the Council, we will usually await the outcome of the investigation to make a decision on the driver's licence. However, we may suspend or revoke the licence of the individual immediately if there is potentially high risk to the public.

We are also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the licensing authority or other licensing authorities, and information disclosed by the police.

12.24 Breach of driver, vehicle and operator licence conditions

There are a number of options that shall be considered following the identification of an activity for which the necessary licence, notice or registration has not been applied for or the licensee has not complied with the conditions of a licence issued by the Council or byelaw made by the Council, or this policy or other legislation has been contravened.

One or more of the following may be deemed appropriate:

- Verbal advice
- Inspection
- Warnings (verbal/written/final written)
- Suspension
- Revocation
- Refusal of future licence application or restriction of such licence by imposition of conditions
- Formal Caution
- Prosecution

12.25 Compliance with legislation

Drivers, where applicable, are expected to comply with the provisions of the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976, and any byelaws made in respect of Hackney Carriage and Private Hire Vehicles and drivers which may be made

They are also expected to comply with Section 37 of the Disability Discrimination Act 1995 and Equality Act 2010 in respect of assistance dogs and wheelchair users.

It is prohibited for anyone (driver or passenger) to smoke within a hackney carriage or private hire vehicle at any time. Appropriate signage must be displayed inside the vehicle in accordance with the Health Act 2006.

12.26 Equality Act 2010

The Equality Act 2010 has implications for both hackney carriage and private hire operators and drivers in respect of disabled access to vehicles.

Duties to assist passengers in wheelchairs (sections 165 to 167 of Equality Act 2010)

Section 165 places a duty on a driver of designated wheelchair accessible hackney carriages and private hire vehicles.

The duties are:

- Not to refuse to take the passenger while in the wheelchair
- Not to make any additional charge for doing so if the passenger chooses to sit in a passenger seat;
- To take such steps as are necessary to ensure that the passenger is conveyed in safety and reasonable comfort; and
- To give the passenger such mobility assistance as is reasonably required to enable the passenger to get in or out of the vehicle and to secure/convey the wheelchair as appropriate.

Section 167 of the Equality Act allows licensing authorities to maintain a list of “designated vehicles”, that is, a list of wheelchair accessible hackney carriages and private hire vehicles licensed in their area. The consequence of being on this list is that the driver must undertake the duties in section 165.

Following the full commencement of sections 165 and 167 of the Equality Act 2010 on 6th April 2017, we maintain a statutory list of wheelchair accessible vehicles (i.e. designated vehicles). Accordingly, drivers of these vehicles are required to carry passengers in wheelchairs, provide assistance to those passengers, and not charge extra to do so.

It is an offence to fail to undertake the duties in section 165 of the Act. Where an applicant has been convicted of one of these offences or a similar offence, we will normally refuse until at least **7 years** have elapsed since the completion of any sentence imposed.

Assistance dogs (sections 168 to 171 of Equality Act 2010)

Section 168 places a duty on a driver of a private hire or hackney carriage to carry guide and other assistance dogs at no extra cost. The duties are:

- To carry the disabled person’s assistance dog and allow it to remain with that person
- Not to make any additional charge for doing so

The driver of a private hire or hackney carriage vehicle commits an offence by failing to comply with duties imposed by this section of the equality act.

Where an applicant has been convicted of one of these offences or a similar offence, we will normally refuse until at least **7 years** have elapsed since the completion of any sentence imposed.

12.27 Abuse of drivers by members of the public

We strongly disapprove of any form of abuse, discriminatory or otherwise, directed at drivers by members of the public. However, we are not the appropriate authority to investigate such incidents. We will only investigate when these incidents are part of a counter allegation following a complaint about a driver. In that situation information will be obtained from all parties prior to a decision being made on the appropriate action for us to take.

Normally incidents of this nature should be reported to the Police using 101 so that they can be investigated. We will assist the police with regards to such investigations as far as possible.

12.28 Complaints against drivers and operators

People often make complaints against licensed drivers and operators. They allege things like refusal to help a disabled passenger, use of abusive language or refusal to accept a fare. We will investigate all complaints and, if the complaint is serious enough, we may ask the licensee to make comments or ask the licensee to attend an interview.

We will consider the licensee's conduct, taking into account the incident's circumstances and the realities of a trade where members of the public often verbally abuse drivers.

If we are satisfied that the licensee's behaviour fell below that of a fit and proper person, we will consider whether to issue a verbal, written or final warning, provided in each case that we think the complaint is justified. However, if an incident is serious enough, we may give a final warning immediately. If we agree that a further complaint is justified, we may revoke the licence.

All complaints will remain on the licensee's record together with the licensee's version of events. This is necessary because our primary focus is protecting the public. What appears to be an unjustified complaint may turn out to be the first of many and a pattern may be established.

We will consider the history of all complaints against a licensee to assess any patterns. If a pattern is identified, we will consider whether the licensee is a fit and proper person to hold a licence. The licensee will be able to attend an interview and any pattern can be discussed.

We consider it is necessary to retain complaints on file as long as a licensee remains licensed (and for seven years after the licence lapses). This is in compliance with the GDPR data protection principles and the council's disposal schedule.

For existing drivers where we receive more than three complaints from customers on their lack of customer care, overcharging or poor driving, they are required to undertake additional council approved training at their own expense at the next available course.

For existing operators where we receive more than three complaints from customers on their lack of customer care or disability/equality issues, they are required to undertake additional council approved training at their own expense at the next available course.

12.29 Appeals

Where licensing officers have delegated powers to grant licences, they will utilise this policy when making a decision to grant a licence. Whilst officers will have regard to the guidelines contained in the policy, each case will be considered on its individual merits and, where the circumstances demand, officers may depart from the guidelines.

Any person aggrieved by any conditions specified in the licence may appeal to the Magistrates' Court within **21 days of the decision notice**.

If we refuse, revoke or suspend your licence because we are not satisfied you are a fit and proper person to hold a licence, you can appeal by making a written complaint to the magistrates' court within **21 days of the decision notice**. This means you can write to the

court and request an appeal. The court may charge a fee and will explain what to do.

If you are unsuccessful at the magistrates' court, you can then appeal to the crown court.

It is your responsibility to check the contact details before lodging an appeal.

12.30 Rehabilitation of Offenders Act 1974

The Act says convictions must be regarded as 'spent' a certain time after the conviction date. However, when you are applying for a licence, convictions are always relevant even if they are spent. Below are some examples:

Adults

	Sentence	Rehabilitation period
1.	2½ years' (30 months') imprisonment and over whether the sentence was suspended or not	Never spent
2.	6 months' imprisonment/youth custody and over but under 30 months whether or not the sentence was suspended	10 years
3.	Under 6 months' imprisonment/youth custody whether or not the sentence was suspended	7 years
4.	A fine, compensation or community service order	5 years
5.	A conditional discharge bound over or probation order. (Also includes fit person, supervision and care orders.)	1 year or period of probation sentence, whichever is longer
6.	Absolute discharge	6 months
7.	Disqualification, disability or prohibition	Period of sentence unless a longer period as above (e.g. disqualification and a fine – 5 years)
8.	Remand home/ attendance centre orders	1 year after the order expires
9.	Hospital order under the Mental Health Acts	The period of the order plus a further 2 years after the order expires (at least 5 years from the conviction date)

Youths

For applicants aged under 17 on the conviction date, the rehabilitation period is halved for items 2, 3 and 4 above.

Sentences that can be passed only on young offenders remain **fixed** and cannot be halved, as follows:

	Sentence	Rehabilitation period
10.	Borstal	7 years
11.	6 months' to 2½ years' detention in a place determined by the Secretary of State	5 years
12.	6 months' detention and less as above	3 years
13.	Detention centre orders	3 years

The time that must pass in other cases before the conviction becomes 'spent' may vary considerably according to the nature of the offence and other circumstances. **It can be extended, for example, if the person commits another offence during the rehabilitation period.**

13. Compliance, Complaints and Enforcement

This section sets out the manner in which the Council approaches compliance and enforcement, including the way in which complaints will be dealt with, as it relates to hackney carriage and private hire licensing.

13.1 Compliance and enforcement

The Council's licensing officers will work closely with the hackney carriage and private hire trades to achieve compliance with the relevant legislation and the Council's conditions of licence. The Council will do so in accordance with the Council's Enforcement Policy, which is available on the Council's website

In addition:

- hackney carriage and private hire vehicle drivers and operators must comply with all reasonable requests made by officers of Rugby Borough Council and the Police.
- the Council will work closely with other enforcement authorities when dealing with licensed and unlicensed vehicles and drivers, especially concerning cross boundary related issues.
- licence holders are strongly encouraged to co-operate with officers of all other local authorities. Failure to cooperate may lead to the suspension or revocation of their drivers licence.
- breaches of the driver code of conduct and/or vehicle and operator licence conditions will be dealt with in accordance with the Councils enforcement policy and will be referred to the duly authorised officer. Repeated breaches of the licence conditions will result in the matter being referred to the Licensing Sub-Committee.

13.2 Complaints

Where appropriate, complainants will be encouraged to raise complaints directly with the relevant licence holder or business concerned in the first instance. However, the Council will also respond to complaints in line with its Enforcement Policy and will use complaint information to assist in the determination of licensing decisions.

13.3 Enforcement

Enforcement Policy Statement

The Council has an Enforcement Policy which it will consider before taking any enforcement action. The Licensing Team must be familiar with the requirements of the policy and appropriate training will be provided, where required.

Licensing Officers will be authorised by the Council to take enforcement actions relevant and appropriate to their level of competence. Competency will be assessed individually by reference to qualifications and experience.

Where there is a shared enforcement role with other agencies, e.g. the Police, we will liaise with and co-operate with them to ensure there is no conflict of interest or unnecessary duplication of enforcement.

The Council will investigate all valid complaints about drivers, vehicles and operators/proprietors. It will also do spot checks and undercover checks. Investigations will be focused and targeted on businesses that do not comply and/or in those areas of the Borough where complaints have identified potential problems. Those individuals or businesses will face proportionate and meaningful sanctions. Complaints are frequently made against hackney carriage and private hire drivers. Such complaints will be considered first by the licensing officer as to the nature of the complaint being serious enough to be forwarded to an authorised officer of the Council or Licensing Sub-Committee.

An authorised officer of the Council Licensing Sub-Committee will consider the history of all complaints made against the driver to assess any patterns. If a problem is inherent, then the Council will consider whether the driver is a fit and proper person to hold such a licence.

Complaints may be investigated by way of an interview under caution in compliance with the Police and Criminal Evidence Act 1984.

Private hire and hackney carriage drivers are professional drivers and must always be aware of the safety of their passengers and the safety of their vehicles. Any traffic offences show a lack of responsibility whilst driving, either due to the maintenance and safety of their vehicles, or in the manner of their driving. The Council expects all licence holders to adhere to the specifications set out in this Policy and in any relevant legislation. Any complaints that relate to misconduct will be fully investigated and appropriate action will be taken where deemed necessary.

Licence holders are expected to co-operate fully with all requests made of them by an authorised officer of the Council. Failure to do so and/or obstruct an officer in their duty will lead to appropriate action being taken where deemed necessary. This includes, but is not limited to, attending interviews and vehicle inspections, and producing documentation upon request.

Enforcement Options

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

- seriousness of any offences;
- driver or operator's past history;
- consequence of non-compliance;
- likely effectiveness of the various enforcement options;
- danger to the public.

Having considered all relevant information and evidence, the choices for action are:

Licence Applications

- grant licences subject to the Council's Standard Conditions;
- refuse to grant a licence;
- Grant for a limited time period.

Enforcement Action:

- take no action;
- take informal action;
- suspend a licence;
- revoke a licence;
- use simple cautions;
- endorse a licence with penalty points;
- prosecute.

Where an officer is unable to determine an application/licence, where an applicant has declared convictions, or when the Council have become aware of convictions the application/licence may be referred to the Licensing Sub-Committee.

Informal Action

Informal action to secure compliance with legislation includes offering advice, verbal and written warnings and written requests for action. Verbal warnings will be confirmed in writing.

Such informal enforcement actions may be appropriate in any of the following circumstances:

- the act or omission is not serious enough to warrant more formal action;
- from the individual driver or operator's past history it can be reasonably expected that informal action will achieve compliance;
- confidence in the operator's management is generally high;
- the consequences of non-compliance will not pose a significant risk to the safety of the public.

Details of any informal action will be recorded on the councils' records. This will form part of the history which will be reviewed when considering the appropriate action to take if further enforcement action is prompted.

Appearance before the Licensing Sub-Committee

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

The Licensing Sub Committee have the option of deciding the application on its merits, and may:

- take no action;

- give a written warning;
- require the production of driving licences or other specified documentation at the Council's office;
- suspend the licence, upon setting conditions, or for a period of time;
- revoke the licence;
- endorse a licence with penalty points or
- recommend prosecution action.

Details of the appeals procedure will be set out in the written notification of action sent by the Council.

Suspension Notices under Section 68 of the Local Government (Miscellaneous Provisions) Act 1976

An authorised officer may serve notice in writing for a hackney carriage, private hire vehicle or taximeter attached to a licensed vehicle, requiring the vehicle or taximeter to be examined at the Council's garage at a time specified in the notice.

This notice will only be served having had due regard to the condition of the vehicle or with reasonable grounds to suspect the accuracy of the taximeter. An authorised officer may, in addition to requiring the vehicle to be tested, suspend the vehicle licence until such time as the officer is satisfied with the condition of the hackney carriage or private hire vehicle.

This action will only be taken when the officer has reasonable grounds to suspect that the condition of the vehicle is an immediate danger to passengers and/or other road users.

Details of the appeals procedure will be set out in the written notification of action sent by the Council.

Prosecution

The decision to prosecute is a very significant one. Prosecution will, in general, be restricted to those circumstances where the law is blatantly disregarded, legitimate instructions of the Council are not followed and / or the public is put at serious risk. Such circumstances are, however, in a minority. Decisions to prosecute will be made in a consistent manner and be proportionate to the circumstances.

The circumstances which are likely to warrant prosecution may be characterised by one or more of the following:

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

Officers will take account of the Council Enforcement Policy when circumstances have been identified which may warrant a prosecution.

Simple Cautions

A simple caution may be used as an alternative to a prosecution in certain circumstances.

13.4 Penalty Points Scheme (see Appendix L for further details)

Introduction

Hackney Carriage and Private Hire Operators, drivers and vehicles are principally governed by the Local Government (Miscellaneous Provisions) Act 1976, Town Police Clauses Act 1847, Councils Byelaws and the Rules, Regulations and Conditions set by the Licensing Sub Committee.

Should operators, drivers or proprietors of vehicles commit an offence or breach those rules, regulations or conditions of licence, persons involved are asked to attend the offices for an interview and then once investigations are completed, letters are sent out detailing the outcome and a permanent record kept on the persons' file. The outcome of investigations may result in no further action being taken, penalty points being awarded, a formal warning, referral to the Public Protection Committee and /or prosecution.

The aim of a penalty point scheme is to work in conjunction with other enforcement options. It provides a formalised stepped enforcement plan. The purpose of the scheme is to record misdemeanours and to act as a record of drivers, vehicle proprietors and operator's behaviour and conduct so as to ascertain whether they are a fit and proper person. It does not prejudice the Council's ability to take other actions.

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

Penalty points remain on the licensee's record for 24 months. The period is a roll forward basis, so as to allow any older points to be considered as spent and therefore excluded from the running total recorded against any individual licensee.

Issue of Penalty Points

Complaints from the public concerning significant breaches of conduct will be subject to investigation by officers and may result penalty points.

Where a licensee accumulates 12 or more penalty points in any 24 month period, the matter will be referred to the Council's Licensing Sub-Committee to decide whether the licensee remains a fit and proper person. The Committee may then suspend or revoke a licence, or issue a warning to the licensee, depending on the circumstances. Periods of suspension of a licence by a Committee will be dependent on the nature of the breaches of the legislation/conditions and the compliance history of the individual. Suspension periods will normally vary between 7 to 31 days.

Penalty Points will remain current for 24 months from the date the penalty points were issued. Points issued to either the proprietor of a vehicle, operator or a driver will be confirmed in writing normally within 10 working days of the conclusion of the investigation into the contravention.

Any disputes regarding the issuing of penalty points will be referred to the Licensing Sub-Committee who will have the discretion to award a greater number of points than displayed on the tariff, if the complaint is upheld. Drivers, proprietors and Operators must appeal

against points awarded by officers to the Public Protection Committee within 21 days of notification of them being issued.

If points are issued to a proprietor/driver or operator by the Council for a matter which is also a criminal offence, e.g. bald tyres, no badge, those person(s) will not be the subject of a prosecution for that offence by the Council but may be referred to other relevant authorities such as the Police.

- The Council's approach for dealing with those who fail to meet the reasonable standards expected of a licensed driver, in the case of minor breaches of conditions/Codes of Conduct, will initially be by way of a verbal warning and then written warnings.
- The list of penalties above is not exhaustive and other offences and/or contraventions will be dealt with accordingly.
- Referral to the Public Protection Sub-Committee can be made in respect of any offence/breach of condition at any time.
- A driver who is prosecuted for an offence may subsequently be referred to the Public Protection Sub-Committee upon conviction of that offence.
- Significant matters may result in revocation of a licence at any time.
- Legislation allows for prosecution of some offences at any time.
- Authorised Officers have delegated powers to suspend and revoke licences. Revoked licences will be referred to the Public Protection Sub-Committee for consideration for prosecution where appropriate.

14. Fares & Fees

The Council's policy is that the fees charged by the authority should meet the cost to the authority to administer the service. The service provided in relation to hackney carriages and private hire vehicles should not make a profit or a loss. Any surplus produced would of course be put back into the service. This is in line with Council's charging policy.

Review and Setting of fees

The Council may review the licence fees annually. The Council is committed to working with the trade to identify ways in which savings/efficiencies can be made to avoid increasing the burden on the trade.

Private hire rates

The Council has no power to regulate the rate for private hire vehicles. However, the conditions set out the requirement that the amount charged shall be no more than the agreed fare. In addition, the Council expects all drivers to meet their legal obligation not to prolong a journey.

Hackney carriage tariffs

The Council sets the Table of Fares (or Tariffs) for hackney carriage journeys and they are the maximum charges that Hackney Carriages can charge for journeys wholly within the Borough's administrative area and the rate at which the taximeters must be calibrated to in order for them to calculate journey fares. These will be reviewed upon request by the trade, with a view to any changes coming into effect within 6 months of the review. The Council recognises the importance of these tariffs being fair (both to the public and to the trade). This is particularly the case as Hackney Carriages used for private hire can only charge at the Council set rates by Section 67 of the Local Government (Miscellaneous Provisions) Act 1976.

The licensing conditions set out the requirement that the amount charged shall be no more than the agreed fare. In addition, the Council expects all drivers to meet their legal obligation not to prolong a journey.

The Table of Fares (or Tariffs) is published on the Council's website

CHILD SEXUAL EXPLOITATION AND TRAFFICKING OF CHILDREN AND YOUNG PEOPLE

Introduction

Set out below is information for hackney carriage and private hire vehicle drivers and operators to help them report, to the relevant authorities, matters of concern that could relate to the safety of children and vulnerable persons, particularly as it relates to child sexual exploitation and trafficking.

General information

Rugby Borough Council's Licensing Service is helping to tackle child sexual exploitation and trafficking by working together with key partners particularly Warwickshire Police, Children and Adult Services at Warwickshire County Council and the Warwickshire Safeguarding Children's Board.

Through partnership working and sharing information, we aim to identify and prevent sexual exploitation, disrupt the activities of perpetrators, protect children and young people and prosecute perpetrators of sexual exploitation. Sharing information with Warwickshire Police and Warwickshire Safeguarding Children's Board helps to protect young people from harm. Safeguarding children and young people is everyone's business and everyone's responsibility.

Child sexual exploitation is a crime that can affect any child, anytime, anywhere regardless of their social or ethnic background.

Sexual exploitation of children and young people involves exploitative situations, contexts and relationships where young people (or a third person or persons) receive something, e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money, etc. as a result of them performing, and/or another or others performing on them, sexual activities. Violence, coercion and intimidation are commonly involved in such exploitative relationships.

Child sexual exploitation involves perpetrators grooming youngsters and using their powers to sexually abuse them. Sexual exploitation of children and young people can take many forms, whether it occurs through a seemingly 'consensual' relationship with an older boyfriend, or a young person having sex in return for attention, gifts, alcohol or cigarettes etc.

How hackney carriage and private hire vehicle drivers and private hire operators can help tackle child sexual exploitation

Drivers of hackney carriages and private hire vehicles as well as private hire operators are in a good position to help identify victims of sexual exploitation because, through the transport services they provide, drivers and operators regularly come into contact with children and young people. This means that licensed drivers and private hire operators are in an ideal position to help protect young people.

In particular, drivers should ask themselves the following questions when picking up a fare:

- Does your customer appear to be under 18 years old?
- Are they with a much older person and appear to be in a relationship?
- Do you think that they are under the influence of alcohol or drugs?
- Are you taking them to a hotel, party or secluded location? If so, ask yourself why?
- Are children/young people being taken regularly to the same localities? If so, ask yourself why?

If the answers to any of the questions above gives you even the slightest cause for concern, these concerns should be reported.

If you have reason to suspect that a child is being abused or at risk of abuse it is your responsibility to report your concerns to and share information with Warwickshire Police.

DRIVER CODE OF CONDUCT

RELATING TO INDIVIDUALS ISSUED A DUAL HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS LICENCE

Drivers issued a Dual Driver's Licence by Rugby Borough Council under Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 ("the 1976 Act") must abide by this Code of Conduct. Rugby Borough Council considers that the Code is reasonably necessary.

It sets out the way in which the licence holder must act whilst acting as a licensed driver in addition to the existing legal requirements. They do not set out the existing legal requirements such as prohibition of illegal ply for hire.

It does not set out the detail as to what steps are required to become a licensed driver and it does not set out what factors are taken into account in deciding whether a person is a fit and proper person to be a driver. This is set out in the specifications earlier in the Policy.

Breach of the code of conduct may lead to the immediate suspension of the licence, consideration of revocation of the licence or other enforcement action including prosecution.

The Code of Conduct requires drivers to:

Notification requirements

1. Change of Name and/or Address - The licence holder ("the driver") must notify the Licensing Team in writing at Rugby Borough Council ("the Council") within 7 days of changing name and/or address.
2. Medical circumstances – The driver must notify the Council in writing immediately if possible, or as soon as practicable of any serious illness, injury, medication or severe physical deterioration which could affect their ability to drive a licensed vehicle.
3. Damage to vehicle – The driver must inform the operator of any licensed vehicle in his custody of any damage occurring to that vehicle within 24 hours of the damage occurring. If the driver cannot contact the operator within 24 hours he/she must notify the Council in writing within 72 hours of the damage occurring.
4. Convictions/Cautions or other enforcement action – The driver must notify the Council in writing within 72 hours of any conviction, issue of a formal caution/final warning or issue of a fixed penalty notice by the Police or a Local Authority. **For the avoidance of doubt this also applies to any driving convictions.**
5. The driver must inform the Council in writing within 72 hours if they are questioned, arrested or interviewed voluntarily under caution, by the Police regarding any harassment, sexual offences, violent offences or in respect of any criminal offence.
6. When questioned by the Police or appear in Court, the driver must inform the

- Police/Court that they are a licensed driver.
7. The driver must also notify the Council in writing within 72 hours of any other enforcement action taken by any other local authority under the 1976 Act or the Town Police Clauses Act 1847.
 8. Where the driver is required to notify the Council, in writing, under sections 4, 5, 6 or 7 he/she shall provide the Council with details of:
 - The offence/behaviour complained of;
 - Whether the offence occurred in a licensed vehicle and/or if they were working;
 - The date of conviction/enforcement action;
 - The sanction imposed.
 9. Where the licence holder identifies or suspects that someone may be engaged in illegal terrorist related activity, the licence holder must refer such person or activity to the police.
 10. Where the licence holder amends or changes their insurance policy for the vehicle they are driving then they must produce their amended/new insurance certificate to the Council Licensing department with 7 days.
 11. Where the licence holder changes the operator that they work for they must notify the Council in writing within 7 days of that change with details of which operator they work for.

Child Sexual Exploitation & Safeguarding Training

12. Licence Holders must report any concerns they have to the relevant bodies

Drivers' Badges/Licences

13. Wearing/displaying of badges – The driver must wear the badge issued by the Council to them so that it is clearly and distinctly visible whenever he/she is acting as a hackney carriage or private hire driver. The driver must also display the second badge issued by the Council in a prominent position within the vehicle they are currently driving so that it is clearly and distinctly visible to all passengers whenever he/she is acting as a hackney carriage or private hire driver.
14. Licences given to Operator – The driver must provide a copy of the driver licence issued to them by the Council to their operator when they have made themselves available for private hire work for that operator. They must also give them a copy of their DVLA driver's licence and insurance.
15. Return of badges/licences – In the event of expiry of the licence or where the driver ceases to operate as a licensed private hire driver he/she must immediately return his/her badge and licence plates to the Council and otherwise upon any request by an Authorised Officer of the Council.

Conduct

16. Punctuality - The driver shall attend punctually when hired and shall provide reasonable assistance with the loading and unloading of luggage.
17. Appearance - The driver shall wear respectable and appropriate clothing at all times and appropriate footwear for driving.
18. Language – The driver must be capable of understanding instructions in the English language from customers and being understood in the English language by anyone hiring the vehicle.
19. Route - The driver must, unless otherwise requested by the hirer proceed to the destination by the most direct route
20. Receipts – The driver must, if requested, provide the hirer with a full written receipt for the fare paid.
21. Number of passengers – The driver must not allow the vehicle to be used for more than the number of passengers the vehicle is licensed to carry.
22. Other passengers – The driver must not, without the express consent of the hirer, allow another person to be carried in the vehicle.
23. Front seat – The driver must not convey more persons in the front of the vehicle than the vehicle is designed for and must not convey any child below the age of fourteen years.
24. Music/Radio – The driver must comply with any request by the hirer to turn down or turn off any radio, music or other sounds in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle. The driver must obtain the relevant licence to play music in their vehicle when passengers are present (e.g. PRS licence).
25. Behaviour – The driver must behave in a civil and orderly manner. The driver must not use any offensive, abusive, profane or insulting language or behaviour. The driver must take all reasonable precautions to ensure the health and safety of persons conveyed in or entering or alighting from the vehicle he is in charge of driving.
26. Assistance – The driver must offer reasonable assistance to customers with belongings upon request. This includes assistance with carrying shopping and luggage and lifting it into and out of the vehicle.
27. Check for lost property – The driver must at the end of each hiring search the vehicle for any lost property, which may have been left. Any property found must be handed to the owner, the nearest police station or the base operator.
28. Offer to hire vehicle - The driver must not, whilst driving or in charge of a private hire vehicle, accept an offer for the hire of any private hire vehicle while the holder of that vehicle is on the road or other public place except where such an offer is first communicated to the driver by telephone, radio or other communication method by a

licensed operator or their booking office staff

29. Agreed fare - Where the fee is agreed in advance, the driver shall ensure that no more than the agreed fare is paid.
30. Receipts – The driver must issue a written receipt to the passengers for the fare paid for the journey undertaken, if requested to do so.
31. Smoking/Vaping – The driver must not smoke in any form, including using e-cigarettes and vaping, at any time they are in a licensed vehicle. This includes when driving the vehicle for private use and when working but not carrying passengers.
32. Data Protection – The must not use any personal data received during the course of their duty for any other purpose than that it was originally intended.

Medical

33. Medical reports – Group II shows that the applicant meets the required medical standard. Licence holders over the age of 60 are required to undertake annual medical examinations.
34. Medical reports where required by the Council - Any driver must, at their own cost, where required to by the Council, undergo a medical assessment with their own General Practitioner or other medical practitioner that has access to their full medical history. Such medical assessment must be completed using the standard from supplied by the Council. The Council will only exercise this power where such a medical is required to assist in the determination of whether a driver is fit and proper, for example where the driver has been seriously ill or an assessment has been recommended by a medical practitioner.

Maintenance check

35. Maintenance – The driver must, before the start of any shift, carry out a basic safety check to make sure that the vehicle is in a roadworthy condition e.g. checking lights, oil and water levels, condition of tyres, looking for obvious defects on the vehicle. Details of the checks must be recorded in writing, retained for at least 12 months and available to authorised officers of the Council and Police Constables within 72 hours of any request. Any issues with the vehicle must be reported immediately to the operator/proprietor as relevant.

Animals

36. The driver must not convey in the vehicle any animal except one belonging to a passenger.
37. The driver may carry any animal belonging to a passenger at his/her own discretion but only in the rear seating area of the vehicle and he/she shall ensure where necessary that such animals are suitably contained or restrained so as not to present a nuisance or hazard to the occupants of the vehicle.
38. Paragraph 37 does not in any way remove or reduce the duty placed on the driver of the vehicle to carry assistance dogs in the passenger compartment with the dogs' owner under Equality Act 2010 unless the driver has a valid exemption certificate

issue by this authority under that Act (sections 168 and 169 apply to hackney carriage drivers; sections 170 and 171 apply to private hire drivers).

Other requirements

39. Comply with all other relevant statutory requirements. The most common statutory requirements are set out in the Council's guidance and policy statement accompanying these conditions.

The licence holder must always comply with this code of conduct. Failure to comply may lead to enforcement action being taken against your licence.

I acknowledge receipt of this code of conduct

Signature:

Date:

Printed:

Appendix C

CRITERIA TO BECOME A DRIVER

1. Any person who drives a hackney carriage must hold the appropriate vehicle driver's licence. Hackney carriage vehicle driver's 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 driver's licence. Private hire vehicle driver's licences are issued in accordance with section 51 of the Local Government (Miscellaneous Provisions) Act 1976.
3. The Council will issue a dual drivers licence, this will permit the licence holder to drive both hackney carriage and private hire vehicles, unless an applicant makes a specific request to the Council for either a hackney carriage driver licence or a private hire vehicle driver licence.

Fit and proper person

4. The Council will not licence anyone to drive a hackney carriage or private hire vehicle unless it is satisfied that they meet all criteria to be deemed a fit and proper person. Licensed drivers provide a public service.
5. In considering the fit and proper person test all applicants on initial application and renewal must:
 - Provide a current and satisfactory enhanced Disclosure and Barring Service (DBS) check which will include a check against the Adult and Child Barring Lists;
 - undergo a medical examination to the DVLA Group 2 standard completed by your own GP or one that has access to your full medical history;
 - produce a document proving their right to work in the UK in line with the Home Office requirements for taxi drivers;
 - complete a Statutory Declaration detailing the complete history of any criminal and motoring convictions, caution, reprimands, speed awareness courses and fixed penalty notices including any pending charges and 'spent' convictions'; Anti-Social Behaviour Orders, Criminal Behaviour order (CBO).

The Council may also make additional enquiries through Warwickshire Police (and other relevant police forces, where appropriate), other relevant local authorities (particularly if a driver has been previously licensed by another authority) and any other appropriate organisation, agency or person in order to ensure the Council is in a position to make as accurate an assessment of the applicant's fitness to hold a licence as is reasonably practicable.

6. With specific reference to existing licence holders, where there is any cause for a licence to be reviewed, the Council may require the licence holder to complete a further enhanced DBS check, the cost of which would lie with the licence holder. Where a licence holder refuses, this will be taken into consideration in determining their continuing fitness to hold a licence. Drivers with convictions may have their licences reviewed in-line with the Convictions Guidelines and where they have fallen within the previous policy it may result in them being referred to an authorised officer or Licensing Sub-Committee to determine if they will be considered fit and proper.
7. When assessing the fitness of an applicant to hold a drivers licence, the Council will consider the applicant's criminal history as a whole, together with all other relevant evidence, information and intelligence including their history (e.g. complaints and positive comments from the public, compliance with licence conditions and willingness to co-operate with licensing officers) whilst holding a licence from the Council or any other authority. Particular attention will be given to patterns of behaviour, irrespective of the time-scale over which they have occurred, both in terms of proven criminal offences and other behaviour or conduct that may indicate that the applicant could put the safety and welfare of the public at risk.
8. It must also be recognised that the Council will consider all criminal history, behaviour and conduct irrespective of whether the specific history, behaviour or conduct occurred whilst drivers were directly engaged in hackney carriage or private hire work at the time or whether they occurred during the drivers' own personal time.
9. In addition, an important element associated with the fitness to hold a licence is the appearance and behaviour of a licensed driver. Consequently, the Council requires all licensed drivers to maintain a reasonable standard of appearance and behaviour when in contact and dealing with other road users, pedestrians, customers, the general public, other licensed operators and drivers of hackney carriage and private hire vehicles, Council officers and elected members at all times. Applicants and licensed drivers must also co-operate with any reasonable request made by an authorised officer of the Council or any police officer.

Criminal Record Disclosure

10. Hackney carriage and private hire vehicle drivers are required to undertake an enhanced Disclosure and Barring Service (DBS) Check and due to the nature of the occupation such drivers are deemed to be an exempt occupation under the provisions of the Rehabilitation of Offenders Act 1974 (by virtue of the amended Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975).
11. The effect of this, in relation to hackney carriage and private hire drivers, is to render the Rehabilitation of Offenders Act 1974 not applicable and therefore convictions are never regarded as 'spent'. As a result, all convictions (including cautions), will be considered when considering a person's suitability to hold a driver's licence.

Applicants are required to provide details of ALL convictions and cautions, including driving endorsements and disqualification periods relating to traffic offences.

12. Although cautions are generally considered not as serious as convictions, they require an admission of guilt before they can be issued and are therefore will be treated in the same way, are a useful indication of an applicant's character and whether they are a fit and proper person to hold or be granted a licence.
13. A criminal record does not automatically prevent or bar an applicant from holding a drivers licence. However, it will be a significant factor when determining whether a licence should be granted or not. Where an applicant has previous criminal convictions, these will be considered in line with the guidance set out in **Appendix A** However, the principal consideration will be to ensure the safety and welfare of the public.
14. Applicants who have not been resident within the United Kingdom for the five years prior to submitting an application, will be required to produce a certificate of good conduct or equivalent document (at their own cost) issued by the relevant Embassy or High Commission. Guidance can be found here: <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

Such a certificate must be authenticated, translated and sealed by the Embassy or High Commission. The Council may contact the relevant Embassy, High Commission, solicitor or other appropriate body to verify any documents provided.

Proof of a right to work in the United Kingdom will also be required. For further details please see the Home Office Guidance issued to Local Authorities: <https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks>

Contact details for Embassies and High Commissions can be found from the Foreign & Commonwealth Office (FCO) on the gov.uk website at <https://www.gov.uk/government/world>.

The FCO may be contacted for further assistance by telephone on 020 7008 1500, by [email at fcocorrespondence@fco.gov.uk](mailto:fcocorrespondence@fco.gov.uk) or by post at the FCO, King Charles Street, London, SW1A 2AH.

Non-conviction information

15. In addition to information regarding convictions/cautions, applicants are expected to provide details of:
 - all warnings, driving endorsements/disqualification periods relating to traffic offences, fixed penalties, penalty charge notices and any other similar sanctions;
 - any charges or arrests that they are the subject of in connection with criminal offences, whether or not actually charged with the offence;
 - details of any allegations of involvement in criminal activity or where they have been questioned in connection with any alleged criminal activity;
 - or inappropriate/unacceptable behaviour or any other relevant pending matter.

For existing licence holders, this information must be notified to the Council within 7 days, in writing.

16. Where an applicant is the subject of an outstanding charge or summons, their application may continue to be processed. However, depending on the circumstances, it is unlikely that a decision on the application will be made until the conclusion of the criminal proceedings. Where the outstanding charge or summons involves a serious offence and/or the individual's offending history and behaviour/conduct indicates a pattern of unlawful or unacceptable behaviour/character, then the application is likely to be refused.
17. Where there is evidence and/or information that an applicant has been arrested or charged but not convicted of offences, but the nature of this evidence/information suggests the applicant may not be a fit and proper person, the Council will give serious consideration to refusing an application or revoking an existing licence.

DVLA and other relevant driving licences

18. A person applying for a drivers licence must be a minimum of 18 years old and have held a full DVLA category B driving licence for at least 1 years at the time of application. EU driving licence holders to convert their licence to a UK driving licence prior to an application being made. These requirements apply only to applications received on or after the date this Policy comes into force.
19. Throughout the currency of the drivers licence, the driver must possess a full driving licence in accordance with the above requirements. Where a driver has received a ban from driving under their DVLA licence they must return their taxi driver licence to the Council within 7 days.
20. Applicants are required to produce the original of their driving licence, whether it is a photo card or old-style paper licence. Copies will not be accepted. A holder of a DVLA drivers licence must also provide a valid code to enable the Council to carry out an online check of their driving history.
21. All applicants holding driving licences issued by countries other than the UK or those within the EU/EEA must produce a certificate to show a driving record from the country of issue. If the driving licence was not issued in the UK or EU/EEA then they must comply with the Government requirements on exchanging/applying for a DVLA licence.

Knowledge test

22. All new applicants are required to pass the Council's written test before the Council will grant them a driver's licence. The test will be carried out in English
The test comprises an exam covering the following areas:

- the highway code;
- taxi legislation;
- the Council's vehicle conditions and driver Code of Conduct;
- safeguarding and child sexual exploitation awareness;
- Disability awareness;
- Local area knowledge;

- Working out fares and giving change;
- The understanding of and testing of written English.

A 85% pass mark is required for each section, all sections must be passed at the same time and failure to answer certain questions correctly will result in automatic failure.

Where an applicant fails the knowledge test there is an additional fee for every subsequent test and every missed test. Once an appointment has been allocated for the test, the applicant must give 2 clear working days' notice to cancel an appointment otherwise they will be required to pay the test fee. In such circumstances the Council will deem that the applicant has failed the test.

Anyone failing the test will be entitled to re-sit the test twice, at a cost to themselves.

If the applicant fails the test three times then the application will be cancelled and the applicant will be unable to reapply again for a licence until a minimum period of 12 months has elapsed from the date of the last failure and be treated as a new applicant.

If any applicant has any particular needs as a result of a disability or otherwise he/she should let the Licensing Team know and suitable arrangements can be made to facilitate the test.

23. 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 test and will be required to take a fresh test and pay the appropriate fee. This may also affect their fitness and propriety to be granted a licence.
24. The holder of a driver's licence may be required to satisfactorily undertake a further knowledge test or tests at the discretion/request of an authorised officer of the Council or the Licensing Sub-Committee.
25. Failure to submit to or pass any knowledge test will permit the Council to refuse to grant or renew a driver's licence or to revoke or suspend the licence as required.

Safeguarding and Child Sexual Exploitation Awareness

26. The Council requires all licensed drivers to attend Safeguarding and Child Sexual Exploitation Awareness training. For new driver applications, this must be completed **before** a licence is issued for the first time.

Applicants for renewal of an existing driver licence must have completed the awareness training **before** their first licence renewal after this policy comes into force. All drivers will be expected to renew/refresh this training every 3 years this is mandatory.

The Council requires all licensed drivers to abide by the Council's 'Code of Conduct' which will be issued as a supporting document to a granted new or renewal application, a copy of which can be found at **Appendix B.**

Medical requirements

27. The Council is permitted to satisfy itself that an applicant for a licence is mentally and physically fit and remains so during the currency of any licence. Consequently, all applicants for a dual hackney carriage or private hire driver's licence are required to undertake a medical examination on initial application, at defined intervals thereafter and at any other such time as the Council require to ensure their fitness to drive.

The standards required are set out in the DVLA publication 'At a Glance Guide to the Current Medical Standards of Fitness to Drive'. The standards are amended from time to time and can be found online at:

<https://www.gov.uk/government/publications/at-a-glance>

The standard required is the 'Group 2 Entitlement'.

28. All new applicants must undertake the medical examination and provide a satisfactory medical certificate before a licence is issued for the first time and then every 3 years in line with a renewal application. All licensed drivers aged 60 and over must undertake a medical examination annually and produce the report to the Council. Failure to do so may result in the licence being suspended or revoked.
29. The Council may also require drivers to undertake more regular medicals if their medical condition warrants it. The medical cannot be more than 3 months old at the time the licence is issued. It is therefore advisable to wait until the rest of the application process is complete before making arrangements for your medical.
30. The Council will not grant or renew, any driver's licence unless the medical examination requirements are complied with and the driver can demonstrate that they are medically fit to hold a drivers licence.
31. In particular, applicants must consider the medical conditions listed in the current DVLA publication 'At a Glance Guide to the Current Medical Standards of Fitness to Drive'), as the Council may refuse to grant an application or revoke an existing licence where an applicant is unable to meet the nationally recommended guidelines in respect of the listed medical conditions.
32. If, once licensed, the driver's medical circumstances change during the licensed period, the driver must inform the Council within 7 days. The Council may require the driver to immediately undertake a further medical examination and provide an approved medical certificate confirming the outcome of this examination and the driver's fitness (or otherwise) to continue as a licensed driver. Should an authorised officer of the Council have reason to believe that a licensed hackney carriage or private hire vehicle driver has a medical condition that renders them unfit to drive, a further medical examination will be requested. The cost of the further medical examination will be met by the licensed driver.
33. The medical must be filled out on the Council's medical application form. The medical must be carried out either by the applicant/driver's own GP or by a medical practitioner than can gain access to that individual's full medical history. Any other

medical will not be accepted.

34. With respect to current licence holders, if it is deemed necessary to do so, a licence may be revoked or suspended in the interests of protecting the public until further medical examination(s) has/have been carried out or if the licence holder is unable to demonstrate that they are medically fit to hold a drivers licence.

Medical Exemptions

35. Medical exemptions involving the carriage of disabled persons and assistance dogs may apply to new applicants or licensed drivers who suffer from certain medical conditions. Where this is the case, the applicant/licensed driver must provide sufficient proof from their GP, or independent medical specialist, confirming that the exemption is required in order for the driver to carry out their duties. The Council reserves the right to refuse to grant a licence if sufficient medical proof is not provided and it is deemed appropriate to do so. Examples of sufficient proof include results of blood tests, skin tests and evidence of the individual's clinical history.

English speaking

36. Applicants must be able to converse orally and in writing in English to a standard that would be reasonably expected of a person undertaking a role as a hackney carriage or private hire driver. This will be tested as part of the Knowledge Test. If an applicant cannot satisfy the authorised officers of the Council that their standard of English is suitable then the application may be referred to the Licensing Sub-Committee or authorised officers.

Code of Conduct

37. All dual driver licence holders must comply with the Code of Conduct set out at **Appendix B.**
38. The Code of Conduct is in addition to any matters set out within the main body of the Policy.

Appendix D

HACKNEY CARRIAGE CONDITIONS OF LICENCE

These conditions are attached to the licences issued by Rugby Borough Council under sections 47 of the Local Government (Miscellaneous Provisions) Act 1976 (“the 1976 Act”).

Rugby Borough Council has carefully considered the following conditions and has decided that they are reasonably necessary.

The licence holder (the owner of the vehicle) must meet all the conditions of this licence. Breach of these conditions may lead to the immediate suspension of the vehicle and consideration of revocation of the licence or prosecution.

The Conditions attached to the licence are as follows:

Notification

1. Change of Address - The proprietor of the vehicle (“the owner”) must notify the Licensing Team in writing at Rugby Borough Council (“the Council”) within 72 hours of his/her change of address.
2. Identification – The owner must inform the Council in writing of which form of identification on the vehicle he/she wishes to adopt (see condition 22).
3. Accident damage – The owner must report any accident damage to the Council within 72 hours in writing and must be repaired as soon as possible.
4. Transfer of ownership – The owner must inform the Council within 14 days in writing if s/he transfers part or all of her/his interest in the vehicle to any other person.
5. The proprietor must give notice to the Council when any changes are made as to driver of the vehicle.
6. Where the licence holder amends or changes their insurance policy for the vehicle they are driving then they must produce their amended/new insurance certificate to the Council Licensing Department within 7 days.
7. Where the licence holder changes the operator that they work for, they must notify the Council in writing within 7 days of the change with details of which operator they now work for.

Vehicle Condition and Maintenance

8. Safety and good order – The vehicle must be maintained in a safe, comfortable, clean and tidy condition at all times.
9. Maintenance programme – The owner/driver must at all times ensure that the vehicle is properly and regularly maintained. The owner must have in place a programme to ensure that vehicles are inspected regularly, record this in writing and retain for a period of 12 months. The programme and vehicle history must be submitted to the

Council on request and must include details of how often the vehicle is inspected, serviced and what checks are carried out.

10. Advisory Work Notified During Testing – The Council’s garage may, while not failing the vehicle, give advice that further works are recommended to ensure that the vehicle complies with these conditions. The Council expects that the owner of the vehicle will take account of these advisories and incorporate any recommendations into the maintenance programme required in condition 6 above.
11. Appearance of vehicle – all paintwork shall be maintained to a high standard and be free from dents, scratches and rust other than can be attributed to general wear and tear in the life of a licensed vehicle.
12. Seats - The seats of the vehicle must be properly cushioned and covered.
13. Floor – The floor of the vehicle must be provided with a properly fitted carpet, mat or other suitable covering.
14. Luggage – There must be means of carrying and securing luggage in the rear of the vehicle.
15. Spare Tyre – There must be, in or on the vehicle, a full size spare wheel or space saver design wheel and the tools to change a wheel OR an emergency puncture repair kit OR carry details of their current a contract with a mobile tyre, replacement specialist (in any event where a spare wheel or puncture repair kit has been used, it is only to permit the current fare to be completed and any defective wheel must be replaced before taking another fare to ensure passenger safety
16. Safety equipment – The vehicle must carry at all times a suitable and efficient fire extinguisher and a suitable first aid kit that is marked with the registration number of the vehicle. These must be readily available to the driver. The First Aid Kit must meet the British Standard BS 8599 1 and the Fire Extinguisher may be dry powder or CO2 but must meet the British Standard EN 3- 10:2009

Alteration to vehicle

17. No material alteration or change in the specification, design, condition or appearance of the vehicle (including its colour) shall be made without prior consent of the Council.
18. If the vehicle has CCTV fitted then the proprietor must inform the Council in writing within 7 days. The footage must be made available to authorised officers of the Council within 72 hours and the footage must be kept for a period not less than 14 days of recording. If CCTV is fitted then the proprietor must ensure that there is signage displayed notifying customers

Signs and notices

19. Licence plate – The Council will issue to each licensed vehicle with one “licence plate” particular to the vehicle, one rectangular plate to be affixed securely to the exterior of the rear of the vehicle and one badge which should be displayed in the front windscreen. The licence plates for the vehicle must always be displayed in a clearly visible place and maintained in good order. The plate must not at any time be wholly

or partially concealed from view.

20. The Council plates shall be fitted securely to the exterior of the vehicle using a bracket provided by the Council and fixed directly to the body work of the vehicle. Magnetic fixings are not permitted.
21. All parts of the licence plate remain the property of the Council and must be returned to the Council on expiry.
22. The vehicle must, at all times, have the black and white chequered stripes on the side identifying the vehicle as a Hackney Carriage permanently affixed to the exterior, in line with the vehicle licensing specifications. Magnetic stripes are not permitted.
23. The vehicle must, at all times, display the Council set tariff sheet on the dashboard of the vehicle or in a suitable location visible to all passengers.
24. Roof sign – The vehicle must have a roof sign; that bears one of “for hire” or “taxi”. All parts of the sign must be clearly legible from a reasonable distance. The sign must be approved by the Council before use.
25. Advertisements - The owner must not display any advertisements on or in the vehicle.
26. No Smoking Signs – All vehicles must display a reasonable amount of no-smoking signs in the interior of the vehicle so as to be visible to all passengers.
27. Other signs – No other sign, notice, advertisement, inappropriate material, marks, or letters may be displayed on or in the vehicle (other than in accordance with the other conditions detailed above) unless the Council approves such markings or it is required under relevant legislation.
28. Taxi meter for hackney carriages – any hackney carriage must be fitted with a taximeter and this must be well maintained and clearly visible at all times. The meter must be set in accordance with the hackney carriage fare table approved by the Council and the fare table displayed prominently within the hackney carriage. The fare charged when the meter is used must be no more than that permitted by the approved tariff.

Insurance

29. The owner must at all times ensure that there is in force in relation to the use of the vehicle as a Hackney Carriage vehicle a policy of insurance as complies with the requirements of part VI of the Road Traffic Act 1988. Where possible the Council recommends that owners purchase a fully comprehensive insurance policy.

Vehicle Tests

30. MOT - The owner must always ensure that there is a valid MOT test certificate in force.
31. Requirement to attend vehicle test – The owner must, if requested, present the vehicle at such place and at such time as the Council may require in order for it to be tested as to whether it is suitable to be licensed as a Hackney Carriage vehicle.

32. Number of passengers – The driver must not allow the Hackney Carriage vehicle to be used for more than the number of passengers the vehicle is licensed to carry.

Animals

33. No animal belonging to the proprietor or driver of the vehicle shall be conveyed in the vehicle.
34. Any animal belonging to a passenger must be conveyed in the rear seating area of the vehicle and shall when necessary be contained so as not to present a nuisance or hazard to the occupants of the vehicle.
35. Paragraph 32 does not in any way remove or reduce the duty placed on the driver of the hackney carriage vehicle to carry assistance dogs in the passenger compartment with the dogs' owner under s168 Equality Act 2010 unless the driver has a valid exemption certificate issue by this authority under s169. **The licence holder must meet all the conditions of this licence. Breach of these conditions may lead to the immediate suspension of the vehicle and consideration of revocation of the licence or prosecution.**

In accordance with the legislation and case law Rugby Borough Council will not licence anyone it believes intends to use a Rugby Borough Council licensed Hackney Carriage predominantly or entirely outside of the borough of Rugby. Similarly Rugby Borough Council will take action against any licence holder found to be working or entirely through a Private Hire Operator or Hackney Carriage Controller/Dispatcher outside the Borough of Rugby. (The case of R(App Newcastle City Council)v Berwick-Upon-Tweed Borough Council) Section 37 of the Town Police Clauses Act 1847 gives the authority concerned a discretion as to whether to grant a Hackney Carriage Licence or not.

I acknowledge receipt of these conditions

Signature:

Date:

Printed:

PLEASE NOTE THAT SHOULD YOU FEEL AGGRIEVED BY ANY OF THE CONDITIONS SET OUT ABOVE THEN YOU HAVE A RIGHT OF APPEAL TO THE MAGISTRATES COURT WITHIN 21 DAYS FROM THE DATE WHEN THE LICENCE IS ISSUED. YOU ALSO HAVE A RIGHT OF APPEAL TO THE MAGISTRATES COURT AGAINST REFUSAL TO ISSUE A LICENCE WITHIN 21 DAYS FROM REFUSAL.

HACKNEY CARRIAGE VEHICLE SPECIFICATIONS

Vehicles that are wheelchair accessible or previously which are licensed at the time this version of the policy is implemented may continue to be licensed until they fail the Council's mechanical vehicle test when it will cease to be suitable for licensing, or when they reach the maximum age of 10 years, whichever is soonest. Any replacement or renewal of vehicles must be **new** wheelchair accessible vehicles (white in colour).

At each renewal test, and subsequent 6 month test will be permitted **one** retest only. Once a vehicle fails a test and retest it will cease to be suitable for licensing (once the vehicle is over 6 years old, the licence must be renewed every six months).

Current holders of Hackney Carriage licences for non-wheelchair accessible vehicles (i.e. saloons, hatchbacks and estates) will continue to benefit from existing grandfather rights allowing them to replace their current vehicle, either during the licence period or at the expiry date of the licence, with another non-wheelchair accessible vehicle. All non-wheelchair accessible vehicles replaced prior to 1st March 2024 will not be licensed if over 3 years of age (once the vehicle is over 6 years old, the licence must be renewed every six months).

Specifications

Vehicles must seat no less than four (4) or more than eight (8) passengers (not including the driver) and:

1. be a Light Passenger Vehicle as defined by Section 85 of the Road Traffic Act 1988 and have a minimum of 4 wheels. Unless licensed at the implementation of this policy, vehicles converted from being light goods vehicles (registered under the N1 tax classification) to being passenger carrying vehicles will not be considered suitable for licensing;
2. to be licensed as a Hackney Carriage the vehicle must be white in colour with black and white chequered stripes on the side;
3. vehicles presented to be licensed as a Hackney Carriage for the first time must be wheelchair accessible, unless they are a fully electric vehicle. They may be purpose built 'London-type' taxis, or specifically converted from a passenger carrying vehicle with no wheelchair access to a passenger carrying vehicle that can carry a passenger in their wheelchair (typically known as an M1 conversion). Converted vehicles must provide an appropriate certificate to prove the conversion has been carried out to the required standard (European-wide type approval);
4. be fitted with a taximeter, calibrated to the Borough Council's approved tariff;
5. be fitted with an illuminated roof sign;

6. provide sufficient means by which any person in the carriage may communicate with the driver;
7. all paintwork must be maintained in a uniform colour and free from dents, scratches or rust;
8. have a watertight roof or covering;
9. provide at least two windows on each side of the vehicle of which one window on one side must have a means of opening/closing;
10. have fitted rear passenger windows that are not heavily tinted or blacked out and will allow a minimum of 35% transmission of light (tolerance of 2%) and must comply with the Road Vehicles (Construction & Use) Regulations 1986;
11. have seats that are properly cushioned and covered;
12. have a floor provided with a proper carpet, mat, or other suitable covering;
13. have fittings and furniture in a clean condition and be well maintained and in every way fit for public service;
14. provide means for securing luggage if the carriage is so constructed as to carry luggage;
15. be fitted with an anti-lock braking system;
16. where tilting passenger seats are fitted (**except where these are part of the manufacturer's original vehicle specification**), the seat must:
 - be forward facing (except for the fold down seats fitted onto the bulkhead/partition of a purpose-built hackney carriage);
 - be designed for use by an adult;
 - have a 3 point seatbelt - as specified in the Road Vehicle (Construction and Use) Regulations 1986 (as amended).
17. have a minimum of four passenger doors, which may include the rear tailgate doors if they can be opened from inside the vehicle, including an entry/exit point for the driver;
18. be always maintained in a sound mechanical and structural condition;
19. have a full size spare wheel or space saver design wheel and the tools to change a wheel OR an emergency puncture repair kit OR carry details of their current a contract with a mobile tyre, replacement specialist (in any event where a spare wheel or puncture repair kit has been used, it is only to permit the current fare to be completed and any defective wheel must be replaced before taking another fare to ensure passenger safety); all pneumatic tyres, including the spare, must comply with the vehicle manufacturer's specification and any relevant legislation;

20. be always maintained in a clean and safe condition from both exterior and interior perspectives;
21. vehicles should have no damage affecting the structural safety of the vehicle and must not have been written off for insurance purposes;
22. minibuses and Multi-Purpose Vehicles (MPVs) must have a step fitted to assist passenger access through all rear passenger doors.

Proprietors are always encouraged to have provision for the legal transportation of a minimum of one wheelchair. When a vehicle licence is granted and the plates are issued, the maximum number of passenger seats that the vehicle will be licensed to carry will be the maximum number of seats, as detailed in the vehicle specification, less the number of wheelchairs that can be carried in the vehicle.

Taximeters must be:

1. certified by a recognised body in accordance with the Measuring Instruments Directive (MID) (2004/22/EC), in particular Annex 007; fitted with a device, the use/action of which will bring the taximeter into action and cause the word 'HIRED' to appear on the face of the taximeter and such a device must be capable of being locked in a position such that the machinery of the taximeter is not in action or switched off and that no fare is recorded on the face of the taximeter;
2. calibrated against an appropriate standard to ensure the tariff charged does not exceed the maximum fares determined by the Council;
3. calendar and time controlled;
4. fixed to the vehicle with appropriate seals/appliances, where possible, to prevent any person from tampering with the meter except by breaking, damaging, or permanently displacing the seals/appliances; and
5. have the word 'FARE' printed on the face of the meter in plain letters so as clearly to apply to the fare recorded thereon;

Wheelchair Accessible Vehicles must:

1. be able to accommodate at least one wheelchair using passenger;
2. have a designated space capable of accepting a reference wheelchair, of at least 1200mm by 700mm (measured front to back and side to side) with a minimum headroom of 1350mm measured from the floor of the vehicle for each passenger who uses a wheelchair. The space(s) shall be immediately adjacent to a vehicle door which is fitted with wheelchair access equipment so that the passenger using a wheelchair can board the vehicle and use the anchoring equipment with the minimum of manoeuvring;
3. be configured to enable wheelchairs to be loaded from either the side or the rear of the vehicle;
4. contain a system for the effective anchoring of wheelchairs must be provided such that they only face forwards or rearwards when the vehicle is in motion;
5. have a suitable restraint available to the occupant of the wheelchair;

6. have a ramp or ramps, or other approved lifting device present and available for use to enable the safe loading and unloading of any passenger using a wheelchair, and be capable of supporting a wheelchair, occupant and helper. When deployed ramps must run flush with the vehicles interior floor level; and
7. if fitted with any lifting device be regularly tested in accordance with any applicable health and safety regulations for such devices and maintained in good working order.

Appendix F

PLYING FOR HIRE

1. Only licensed hackney carriages are permitted to ply for hire and only in the administrative area of the Borough Council with which they are licensed. It is ILLEGAL for a private hire vehicle to ply for hire. This means:
 - private hire vehicles MUST NOT carry passengers if the journey has not been pre- booked with a private hire operator by the passenger;
 - all private hire vehicle journeys MUST be pre-booked through a licensed private hire operator;
 - all bookings MUST be made by prospective passengers with a private hire operator who will dispatch the vehicle. Prospective passengers may instruct a third party, e.g. a restaurant manager or bus station marshal, to make a booking on their behalf but this third party MUST NOT be the private hire vehicle driver;
 - a driver of a private hire vehicle is NOT permitted to make the booking on behalf of a prospective passenger e.g. via their radio or mobile telephone or another device;
 - private hire operators MUST NOT accept any booking made by a driver on behalf of a passenger;
 - private hire vehicle drivers are NOT permitted to make their vehicles available for immediate hire. This means that private hire vehicle drivers MUST NOT physically position their vehicles in such a way as to be waiting in any area that is on view to the public to invite custom, e.g. allowing prospective customers to approach the vehicle and ask, 'Are you free?';
 - in most cases, the vehicle will not be insured during a journey that has not been correctly pre-booked;
 - private hire vehicles MUST NOT wait at any taxi rank/stand; and
 - private hire vehicles MUST NOT be hailed in the street.
2. Other circumstances may constitute unlawful 'plying for hire'; accordingly, each case of allegedly unlawful 'plying for hire' will be judged on its own facts. Nevertheless, attention is drawn to the Council's position as set out above.
3. Further information about the relevant legislation is available in the Town Police Clauses Act 1847, in particular Section 45, and in Part II of the Local Government (Miscellaneous Provisions) Act 1976, in particular Section 64.

Appendix G

PRIVATE HIRE VEHICLE CONDITIONS

These conditions are attached to the licences issued by Rugby Borough Council under Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 (“the 1976 Act”).

Rugby Borough Council has carefully considered the following conditions and has decided that they are reasonably necessary.

The licence holder (the owner of the vehicle) must meet all the conditions of this licence. Breach of these conditions may lead to the immediate suspension of the vehicle and consideration of revocation of the licence or prosecution.

The Conditions attached to the licence are as follows:

Notification

1. Change of Address - The proprietor of the vehicle (“the owner”) must notify the Licensing team at Rugby Borough Council (“the Council”) within 72 hours in writing of his/her change of address.
2. Accident damage – The owner must report any accident damage to the Council within 72 hours in writing and must be repaired as soon as possible.
3. Transfer of ownership – The owner must inform the Council in writing within 14 days if s/he transfers part or all of her/his interest in the vehicle to any other person.
4. The proprietor must give notice to the Council when any changes are made as to driver of the vehicle.
5. Where the licence holder amends or changes their insurance policy for the vehicle they are driving then they must produce their amended/new insurance certificate to the Council Licensing department with 7 days.
6. Where the licence holder changes the operator that they work for they must notify the Council in writing within 7 days of that change with details of which operator they work for.

Vehicle Condition and Maintenance

7. Safety and good order – The vehicle must be maintained in a safe, comfortable, clean and tidy condition at all times.
8. Maintenance programme – The owner/driver must at all times ensure that the vehicle is properly and regularly maintained. The owner must have in place a programme to ensure that vehicles are inspected regularly and record this in writing. The programme must be submitted to the Council on request and must include details of how often the vehicle is inspected, serviced and what checks are carried out.

9. Advisory Work notified during Testing – The Council’s garage may, while not failing the vehicle, give advice that further works are recommended to ensure that the vehicle complies with these conditions. The Council expects that the owner of the vehicle will take account of these advisories and incorporate any recommendations into the maintenance programme required in condition 6 above.
10. Appearance of vehicle – all paintwork shall be maintained to a high standard and be free from dents, scratches and rust other than can be attributed to general wear and tear in the life of a licensed vehicle.
11. Seats - The seats of the vehicle must be properly cushioned and covered.
12. Floor – The floor of the vehicle must be provided with a properly fitted carpet, mat or other suitable covering.
13. Luggage – There must be means of carrying and securing luggage in the rear of the vehicle.
14. Spare Tyre – There must be, in or on the vehicle, a full size spare wheel or space saver design wheel and the tools to change a wheel OR an emergency puncture repair kit OR carry details of their current a contract with a mobile tyre, replacement specialist (in any event where a spare wheel or puncture repair kit has been used, it is only to permit the current fare to be completed and any defective wheel must be replaced before taking another fare to ensure passenger safety).
15. Safety equipment – The vehicle must carry at all times a suitable and efficient fire extinguisher and a suitable first aid kit that is marked with the registration number of the vehicle. These must be readily available to the driver. The First Aid Kit must meet the British Standard BS 8599 1 and the Fire Extinguisher may be dry powder or CO2 but must meet the British Standard EN 3- 10:2009.

Alteration to vehicle

16. No material alteration or change in the specification, design, condition or appearance of the vehicle (including its colour) shall be made without prior consent of the Council.
17. If the vehicle has CCTV fitted then the proprietor must inform the Council in writing within 7 days. The footage must be made available to authorised officers of the Council within 72 hours and the footage must be kept for a period not less than 14 days of recording. If CCTV is fitted then the proprietor must ensure that there is signage displayed notifying customers.

Signs and notices

18. Licence plate – The Council will issue to each licensed vehicle one “licence plates” particular to be affixed to the rear of the vehicle, and an internal badge to be displayed in the front windscreen. The licence plates for the vehicle must be displayed at all times in a clearly visible place and maintained in good order. The plate must not at any time be wholly or partially concealed from view.
19. The Council plates shall be fitted securely to the exterior of the vehicle using a

bracket provided by the Council fixed directly to the body work of the vehicle. Private Hire Vehicle Licence plates will be green and white. Magnetic fixings are not permitted.

20. All parts of the licence plate remain the property of the Council and must be returned to the Council on expiry.
21. Identification Sticker – The Council will issue an “identification sticker” or “internal plate” particular to the vehicle. Such sticker/plate must be displayed at all times in a clearly visible place in the front of the vehicle in a location visible to all passengers. The sticker must not at any time be wholly or partially concealed from view.
22. Further signs required by the Council – Each vehicle must display such notices as the Council reasonably requires and in the manner the Council reasonably requires. This includes the requirement to display signs, issued by the Council, on both rear passenger doors stating that vehicle is licensed as a Private Hire Vehicle by the Council.
23. Other Identification - Each private hire vehicle, unless granted an exemption by the Council, must display door livery (as detailed in condition 23).
24. Roof sign – Are not permitted to be used on Private Hire Vehicles
25. Door Livery –The form, location and wording must be approved by the Council. It must have the name and telephone number of the operator and the words “private hire” or “office bookings only” on the livery. All parts of the sign must be clearly legible from a reasonable distance. The livery of any private hire vehicle must not include the words “for hire”, the word “taxi” or any derivative thereof.
26. Advertisements - The owner must not display any advertisements on or in the vehicle.
27. No Smoking Signs – All vehicles must display a reasonable amount of no-smoking signs in the interior of the vehicle so as to be visible to all passengers.
28. Other signs – No other sign, notice, advertisement, marks, or letters may be displayed on or in the vehicle (other than in accordance with the other conditions detailed above) unless the Council approves such markings or it is required under relevant legislation.
29. Taxi meter for private hire vehicles – any private hire vehicles fitted with a taximeter must ensure they are well maintained and clearly visible at all times. The meter must be set in accordance with the hackney carriage fare table approved by the Council and the fare table displayed prominently within the vehicle. The fare charged when the meter is used must be no more than that permitted by the approved tariff.

Insurance

30. The owner must at all times ensure that there is in force in relation to the use of

the vehicle as a private hire vehicle a policy of insurance as complies with the requirements of part VI of the Road Traffic Act 1988. Where possible the Council recommends that owners purchase a fully comprehensive insurance policy.

Vehicle Tests

31. MOT - The owner must at all times ensure that there is a valid MOT test certificate in force.
32. Requirement to attend vehicle test – The owner must, if requested, present the vehicle at such place and at such time as the Council may require in order for it to be tested as to whether it is suitable to be licensed as a private hire vehicle.
33. Number of passengers – The driver must not allow the private hire vehicle to be used for more than the number of passengers the vehicle is licensed to carry.

Animals

34. No animal belonging to the proprietor or driver of the vehicle shall be conveyed in the vehicle.
35. Any animal belonging to a passenger must be conveyed in the rear seating area of the vehicle and shall when necessary be contained so as not to present a nuisance or hazard to the occupants of the vehicle.
36. Paragraph 35 does not in any way remove or reduce the duty placed on the driver of the private hire vehicle to carry assistance dogs in the passenger compartment with the dogs' owner under s170 Equality Act 2010 unless the driver has a valid exemption certificate issue by this authority under s171.

The licence holder must meet all the conditions of this licence. Breach of these conditions may lead to the immediate suspension of the vehicle and consideration of revocation of the licence or prosecution.

I acknowledge receipt of these conditions

Signature:

Date:

Printed:

PLEASE NOTE THAT SHOULD YOU FEEL AGGRIEVED BY ANY OF THE CONDITIONS SET OUT ABOVE THEN YOU HAVE A RIGHT OF APPEAL TO THE MAGISTRATES COURT WITHIN 21 DAYS FROM THE DATE WHEN THE LICENCE IS ISSUED. YOU ALSO HAVE A RIGHT OF APPEAL TO THE MAGISTRATES COURT AGAINST REFUSAL TO ISSUE A LICENCE WITHIN 21 DAYS FROM REFUSAL.

Additional conditions applicable to the use of trailers

1. Any driver using a trailer must ensure they hold the appropriate DVLA (or equivalent) driving licence.
2. The use of trailers is only permitted for vehicles of the multi-passenger type (more than 4 passenger seats) and on pre-arranged journeys where passenger's luggage cannot be safely accommodated within the vehicle.
3. The licensed towing vehicle's insurance must cover the towing of a trailer.
4. Trailers must not be left unattended anywhere on the highway.
5. The speed restrictions applicable to trailers must be observed at all times.
6. A spare wheel for the trailer and adequate tools to change a wheel must be carried at all times by a licensed vehicle whilst towing a trailer.
7. The towing of a trailer by a licensed vehicle shall only permit the conveyance of luggage and belongings owned by a passenger whilst the vehicle is hired by a passenger within the vehicle.
8. The owner of the trailer must carry out periodic checks of the vehicle and be able to provide a written history of the checks and any maintenance that have been carried out.
9. The trailer must at all times comply with all Road Traffic legislation requirements, in particular those as laid down in the Road Vehicles (Construction and Use) Regulations 1986.
10. The trailer shall not display any form of sign or advertisement not required or approved by the Council or Road Traffic legislation.
11. The trailer must display a duplicate of the rear licence plate affixed to the vehicle. The proprietor must inform the Council that they use a trailer and pay an additional fee for the duplicate plate.

Additional conditions for vehicles with Private Hire Vehicle Exemption Certificates

1. Where a private hire vehicle licence has been issued a Private Hire Vehicle Exemption Certificate it must be retained in the boot of the vehicle at all times and produced to an authorised officer of the Council or a Police Constable upon request.
2. Where a private hire vehicle licence has been issued a Private Hire Vehicle Exemption Certificate the driver of the vehicle must have their taxi driver licence badge in the vehicle at all times and produced to an authorised officer of the Council or a Police Constable upon request.

3. Where the Council request copies of contracts and/or client lists the proprietor shall, within 72 hours, produced them an authorised officer.
4. Any amendments to the intended use of the vehicle must be notified in writing to the Council before they take place. If the Council determine that the proposals are not suitable and/or in line with the grounds given for the original issue of the Private Hire Vehicle Exemption Certificate, then the Certificate may be withdrawn.
5. Vehicles that benefit from a Private Hire Vehicle Exemption Certificate may be transferred from one proprietor to another but the Private Hire Vehicle Exemption Certificate itself is non- transferrable. The proposed new proprietor would have to submit an application for a Private Hire Vehicle Exemption Certificate at the time as the vehicle transfer. The vehicle must not be used until the Council have granted a new certificate.
6. The vehicle must remain in pristine condition, both internally and externally, at all times. Failure to do so may lead to the certificate being withdrawn.

Additional limousine conditions of licence

These additional conditions are attached to the licences issued by the Rugby Borough Council under Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 (“the 1976 Act”) in relation to limousines and special event vehicles.

For the purpose of licensing a limousine is described as a luxurious vehicle that has been stretched by the insertion of an additional section not exceeding 3048 millimetres to extend the length of the vehicle.

Rugby Borough Council has carefully considered the following conditions and has decided that they are reasonably necessary.

The licence holder (the owner of the vehicle) must meet all the conditions of this licence, including those for private hire vehicles generally. Breach of the conditions may lead to the immediate suspension of the vehicle and consideration of revocation of the licence or prosecution.

The additional conditions attached to the licence are as follows:

1. The vehicle will be presented for, and successfully complete, a garage test at the Work Services Unit every 6 months;
2. The vehicle will be licensed for a maximum number of 8 passengers;
3. The vehicle will not be subject to an age restriction for the purposes of licensing;
4. Adequate 3 point seat belt installations must be in place for the equivalent number of passengers and driver;
5. Must provide a certificate of compliance through the Individual Vehicle Approval Scheme (IVA, formerly known as the Single Vehicle Approval Scheme (SVA);

6. Must provide proof of manufacturer's alterations approval for the vehicle;
7. Children under 135cm tall or 12 years (whichever they reach first) cannot travel in a sideways facing seat;
8. Standard council identification plates must be displayed.

PRIVATE HIRE VEHICLE SPECIFICATIONS

Vehicle Age (FROM 1st January 2022)

Upon first application all vehicles must be less than 3 years old and must not be white in colour.

The maximum age for vehicles to be licensed will be 10 years old (from date of first registration or if imported from the date of manufacture). The maximum age for Electric Vehicles to be licensed will be 10 years old (Once the vehicle is 6 years old the licence must be renewed every six months). Any vehicles licensed prior to 1st January 2022 must be less than 5 years old.

Grandfather Rights

Vehicles previously which are licensed at the time this version of the policy is implemented may continue to be licensed until they fail the Council's mechanical vehicle test when it will cease to be suitable for licensing, or when they reach the maximum age of 10 years, there will be **one** retest only. Once a vehicle fails a test and retest it will cease to be suitable for licensing.

Specifications

Vehicles must not seat less than 4 or more than 8 passengers (not including the driver) and:

1. be a Light Passenger Vehicle as defined by section 85 of the Road Traffic Act 1988 and have a minimum of 4 wheels. Vehicles converted from being light goods vehicles (registered under the N1 tax classification) to being passenger carrying vehicles will be considered subject to paragraph (e) below;
2. it must not be of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
3. the Council encourages vehicles presented to be licensed for Private Hire for the first time to be wheelchair accessible but they do not have to be. Where the vehicles are wheelchair accessible they may be purpose built, or specifically converted from a passenger carrying vehicle with no wheelchair access to a passenger carrying vehicle that is capable of carrying a passenger in their wheelchair (typically known as an M1 conversion). Converted vehicles must provide an appropriate certificate to prove the conversion has been carried out to the required standard (European-wide type approval);
4. provide sufficient means by which any person in the carriage may communicate with the driver;
5. all paintwork must be maintained to a high standard and be free from dents, scratches and rust other than can be attributed to general wear and tear in the life of a licensed vehicle;
6. have a watertight roof or covering;

7. provide at least two windows on each side of the vehicle of which one window on one side must have a means of opening/closing;
8. have fitted rear passenger windows that are not heavily tinted or blacked out and will allow a minimum of 35% transmission of light (tolerance of 2%) and must comply with the Road Vehicles (Construction & Use) Regulations 1986;
9. have seats that are properly cushioned and covered;
10. have a floor provided with a proper carpet, mat, or other suitable covering;
11. have fittings and furniture in a clean condition and be well maintained and in every way fit for public service;
12. provide means for securing luggage if the carriage is so constructed as to carry luggage;
13. be fitted with an anti-lock braking system;
14. have a minimum of 4 passenger doors, which may include the rear tailgate doors if they can be opened from inside the vehicle, including an entry/exit point for the driver;
15. be maintained in a sound mechanical and structural condition, at all times;
16. have a full size spare wheel or space saver design wheel and the tools to change a wheel OR an emergency puncture repair kit OR carry details of their current a contract with a mobile tyre, replacement specialist (in any event where a spare wheel or puncture repair kit has been used, it is only to permit the current fare to be completed and any defective wheel must be replaced before taking another fare to ensure passenger safety); all pneumatic tyres, including the spare, must comply with the vehicle manufacturer's specification and any relevant legislation;
17. be maintained in a clean and safe condition at all times from both exterior and interior perspectives;
18. vehicles should have no damage affecting the structural safety of the vehicle and must not have been written off for insurance purposes; and
19. minibuses and Multi-Purpose Vehicles (MPVs) must have a step fitted to assist passenger access through all rear passenger doors.

Proprietors are encouraged to have provision for the legal transportation of a minimum of one wheelchair at all times. (When a vehicle licence is granted and the plates are issued, the maximum number of passenger seats that the vehicle will be licensed to carry will be the maximum number of seats, as detailed in the vehicle specification, less the number of wheelchairs that can be carried in the vehicle).

Wheelchair accessible vehicles

20. Vehicles must be able to accommodate at least one wheelchair using passenger.

21. Vehicles shall have a designated space capable of accepting a reference wheelchair, of at least 1200mm by 700mm (measured front to back and side to side) with a minimum headroom of 1350mm measured from the floor of the vehicle for each passenger who uses a wheelchair. The space(s) shall be immediately adjacent to a vehicle door which is fitted with wheelchair access equipment so that the passenger using a wheelchair can board the vehicle and use the anchoring equipment with the minimum of manoeuvring.
22. Wheelchairs can be loaded from either the side or the rear of the vehicle.
23. A system for the effective anchoring of wheelchairs must be provided such that they only face forwards or rearwards when the vehicle is in motion.
24. A suitable restraint must be available to the occupant of the wheelchair.
25. A ramp or ramps, or other approved lifting device must be present and available for use to enable the safe loading and unloading of any passenger using a wheelchair, and be capable of supporting a wheelchair, occupant and helper. When deployed ramps must run flush with the vehicles interior floor level. Any lifting device fitted must be regularly tested in accordance with any applicable health and safety regulations for such devices and maintained in good working order.

Other Vehicles

Limousines, novelty vehicles and vintage vehicles

26. For the purpose of licensing a limousine is described as a luxurious vehicle that has been stretched by the insertion of an additional section not exceeding 3048 millimetres to extend the length of the vehicle. The vehicle shall be capable of carrying up to, but not exceeding, 8 passengers. Applicants are directed towards the VOSA (now DVSA) 'Guidance for Operators of Stretch Limousines' (March 2011).
27. Limousines will be licensed by the Council however the over-riding consideration will be the safety of the vehicle. Such types of vehicle will only be licensed as private hire vehicles. They will be subject to the production of specific documents, in original form or as copies certified by the vehicle builder (uncertified photocopies will not be accepted), and to conditions as set out in **Appendix G**. These are in addition to the documents required and the conditions applicable to standard private hire vehicle licensing. Proprietors may submit an application for a Private Hire Vehicle Exemption Certificate.
28. The following documentation must be produced prior to licensing:
 - Evidence of compliance through the Individual Vehicle Approval Scheme (IVA) or a Qualified Vehicle Modifier (QVM) certificate; this is issued by the vehicle builder.
 - Public Liability Insurance documentation for a minimum of £5,000,000 and, where drivers other than the proprietor are used, Employer Liability Insurance documentation for a minimum of £10,000,000.

- Documentation recording the overall weight of the vehicle (as displayed on the vehicle).
29. In addition to stretched limousines, novelty vehicles, e.g. fire engines, and vintage vehicles will also be considered for licensing. Such vehicles do not have to comply with the European Emission Standards or the New Car Assessment Programme rating but will be dealt with by a case by case basis and referred to the Council's Public Protection Committee for determination.

Private Hire Vehicle Exemption Certificates

The Local Government (Miscellaneous Provisions) Act 1976 ("LGMPA76") prohibits a licensed private hire vehicle being used without the identification plate issued by the Council being displayed upon the vehicle. It also provides that the driver of said vehicle must wear their identity badge (referred to here as drivers badge) at all times they are driving it.

The Council may issue a written notice (referred to here as a Private Hire Vehicle Exemption Certificate) that exempts the proprietor of the vehicle from having to display the identification plates. The Private Hire Vehicle Exemption Certificate can be used to exempt a vehicle from displaying plates at specific times or can give a blanket exemption. If the Council issues a Private Hire Vehicle Exemption Certificate, then the LGMPA76 provides that the driver of said vehicle does not have to wear their drivers badge.

The LGMPA76 allows the Council to attach conditions to a private hire vehicle licence including the displaying of door signs upon the vehicle, colour of the vehicle and level tint permitted in the windows. A proprietor can request to be exempt (referred to here as Private Hire Vehicle Exemption Requests) from displaying the vehicle licence plates and wearing the drivers badge, and also to be exempt from conditions attached to private hire vehicle licences such as those detailed above.

The LGMPA76 is silent on the reasons why a Council may choose to grant such an exemption to not display signs, plates and the drivers badge.

Private Hire Vehicle exemption requests are usually made in connection with 'executive' or 'celebrity' customers who rather than requiring the security that clear identification of the vehicle and driver usually affords, instead may become more at risk (along with the driver) if their presence can be identified from use of a particular vehicle or operator.

There are currently a small number of local operators that benefit from a Private Hire Vehicle Exemption Certificate and the Council's starting position is that a Private Hire Vehicle Exemption Request will only be granted in very limited circumstances. While the legislative process is specific and a standard process for requesting and determining an exemption operates, there is an absence of criteria within the legislation to guide applicants and Members regarding if and when an exemption should be granted. Here we seek to outline the criteria that the Council will use when determine whether a request will be granted.

The Council will request copies of written contracts or client lists to support the application and may restrict the use of an exempted vehicle to contracted work only.

Given the type of passengers to be carried exempted vehicles are expected to be prestigious models with above average appearance and levels of equipment. Suggested indicative features are:

- **A vehicle which is above the standard model and towards the top of the range as offered by the vehicle manufacturer**
- **Climate control, all electric windows, and central anti-intrusion locking**
- **Front and rear headrests and above average legroom**
- **Seats which permit direct access into and out of the vehicle without the need to move, remove or fold down any other seat**
- **Pristine interior and external condition**

Use of the vehicle outside of the exemption is permitted by the legislation provided door signs and licence plates are reapplied, however if a vehicle has been granted an exception certificate that restricts the use of the vehicle to contract work only then a condition will be placed on the vehicle licence that it may not be used for 'general private hire bookings' such as a trip to the shops or home from a restaurant.

All exempted vehicles must carry their licence plates and the Private Hire Vehicle exemption certificate in the boot of the vehicle at all times and produce them to an authorised officer of the Council or a Police Constable upon request.

There is a prohibition on private hire vehicles being black or a similar colour. Vehicles that benefit from a Private Hire Vehicle exemption certificate will be exempt from this condition and may be any colour.

If a proprietor of an exempted vehicle applies to transfer it to another person then that person will also have to apply for a new exemption certificate. Private Hire Vehicle Exemption certificates cannot be transferred from one person to another, or from one vehicle to another.

PRIVATE HIRE OPERATOR CONDITIONS

These conditions are attached to the licences issued by Rugby Borough Council under Section 55 of the Local Government (Miscellaneous Provisions) Act 1976 (“the 1976 Act”).

Rugby Borough Council has carefully considered the following conditions and has decided that they are reasonably necessary.

These conditions set out the way in which the licence holder must act whilst acting as a private hire operator in addition to the existing legal requirements. They do not set out the existing legal requirements such as prohibition of illegal ply for hire.

These conditions do not set out the detail as to what steps are required to become and remain an operator and they do not set out what factors are taken into account in deciding whether a person is a fit and proper person to be a driver. Information on these issues is set out in the Policy document above.

Breach of these conditions may lead to the suspension of the licence and consideration of revocation of the licence or prosecution.

The Conditions attached to the licence are as follows:

Notification requirements

1. Change of Address - The private hire operator must notify the licensing authority (“the Council”) within 72 hours in writing of his/her change of personal address.
2. Change of Vehicles – The operator must inform the Council in writing *before* they wish to operate an additional vehicle. Where an operator ceases to operate a vehicle on the Operator Vehicle Schedule (see condition 10) he/she must notify the Council within 72 hours in writing.
3. Convictions/Cautions or other enforcement action – The operator must notify the Council within 72 hours in writing of any conviction, issue of a formal caution/final warning or issue of a fixed penalty notice by the Police or a Local Authority.
4. The operator must also notify the Council, in writing, within 72 hours of any other enforcement action taken by another local authority under the 1976 Act or the Town Police Clauses Act 1847. If the operator is a company or partnership any action listed above taken against the company or any of the directors or partners must also be notified to the Council. **For the avoidance of doubt this condition also applies to any driving convictions.**
5. Where the operator is required to notify the Council under Condition 3, they must provide the Council with details of:
 - The offence;
 - The date of conviction/enforcement action;

- The sanction imposed; and
 - The imposing authority/place.
6. Accident damage – The operator must report any accident damage to any vehicle under their control to the Council in writing within 72 hours.

Record Keeping

7. Booking records - Each operator must keep a record of the particulars of every booking invited or accepted by him, including the name of the staff member that took the booking. Such records must be kept for 12 months. **Each record must be fully completed before the dispatch of any vehicle or any part of the journey is undertaken.**

Records must also be maintained for any regular contract work that the operator may undertake such as school contracts. The records must specify the following:

- Date and time of booking
 - Client's first name and surname
 - Origin of journey
 - Time of journey
 - Destination of journey
 - Identification of both driver and the vehicle allocated to the booking
 - The agreed fare
 - The name of the person making the record and the radio operator for each period of duty
8. Booking records must be kept at the base recorded on the operator's licence.
9. The operator must ensure that they use appropriate staff to carry out their bookings. The operator must use a Fit and Proper test, similar to the one the Council use for determining whether to grant an operator's licence, for each member of staff that they employ. The operator should not employ any individual that falls below that test.
10. Sub-Contracted Bookings – Each operator must keep a record of the particulars of each journey that is either subject to sub-contracting. The record must specify:
- Date and time of booking
 - Operator received from (or passed to)
 - Client's first name and surname
 - Origin of journey
 - Time and date of journey
 - Destination of journey
 - Identification of both driver and the vehicle allocated to the booking
 - The agreed fare
 - Confirmation that the customer has been advised that the journey has been sub- contracted

Complaints Procedure

11. Each operator must have in place a complaints procedure and must maintain a record of all complaints received, including details of any investigation and/or actions taken as a result of a complaint.
12. The complaints procedure and complaint records must be made available to the licensing authority or Warwickshire Police on request and will be audited and checked by an authorised officer of the Council as appropriate on a risk-based approach. Where a child under the age of 18 years is involved the local safeguarding procedures will be used by the licensing authority on receipt of the complaint. Where a complaint is received about the behaviour/conduct of a driver towards a vulnerable person the operator must notify the Council in writing within 72 hours.
13. The records may be kept in hard copy or on computer. If kept in hard copy they must be in a bound book with consecutively numbered pages.

Operator Vehicle Schedule

14. The operator must keep a schedule of all vehicles they operate (“the Operator Vehicle Schedule”). The Operator Vehicle Schedule must record the make, model, registration number, private hire number and the date of expiry of the private hire plate, insurance, road tax and MOT (where applicable) on the Operator Vehicle Schedule. The Operator Vehicle Schedule must be kept up to date by the operator.
15. The operator must not operate any private hire vehicle other than those which have been listed on the Operator Vehicle Schedule. All vehicles on the Operator Vehicle Schedule must have a valid private hire licence with the Council.

Operator Driver Schedule

16. The operator must keep a schedule of all drivers s/he employs or uses (“the Operator Driver Schedule”). The Operator Driver Schedule must record the name, address, contact details together with the date of expiry of his private hire licence, the date of his next medical and the date when his driving licence expires on the Operator Driver Schedule. The Operator Driver Schedule must be kept up to date.
17. The operator must not use or employ any private hire driver other than those listed by the Operator on the Operator Driver Schedule.

Operator to keep Drivers’ Licences

18. It is the operator’s responsibility to check that all drivers are licensed as private hire drivers. The operator should ensure that when a driver has made themselves available for private hire work that the driver has deposited her/his licence (Private Hire or Dual) with the operator whilst s/he is available for work.

Maintenance

19. Safety and good order – The operator must ensure that all vehicles on the Operators Vehicle Schedule are maintained in a safe, comfortable, clean and tidy condition at all times **whether or not the operator owns the vehicle**. The operator must ensure that at all times all vehicles on their Operators Vehicle

Schedule meet all relevant legal obligations including the vehicle conditions imposed by the Council.

20. Maintenance programme – The operator must at all times ensure that all vehicles on their Operator Vehicle Schedule are properly and regularly maintained. The operator must have in place a programme to ensure that vehicles are inspected regularly and record in writing. The programme must be submitted to the Council on request and must include details of how often the vehicle is inspected, serviced and what checks are carried out.

Standard of Service

21. General standards - The operator must provide a prompt, efficient, safe and reliable service to members of the public.
22. Punctuality – The operator must ensure that when a private hire vehicle has been hired to be at an appointment at a certain time and place that the vehicle attends punctually unless delayed for reasons beyond the reasonable control of the operator.
23. Standard of Premises accessible to public – Where the operator has premises accessible by the public whether for booking or waiting they must be kept clean and adequately heated, ventilated and lit. They must also have adequate seating facilities. Premises accessible to the public must also have public liability insurance cover of at least £5,000,000.

Operator Base

24. Limit on operation – The operator must only operate from the base or bases identified on the operator's licence and the base/s must be within the administrative area of Rugby Borough Council.
25. Licence for radio equipment – The operator must hold the necessary permission from OFCOM where they operate radio equipment requiring such permission.

Insurance

26. Insurance - The operator must ensure that there is in force in relation to the use of the vehicle as a private hire vehicle a policy of insurance as complies with the requirements of part VI of the Road Traffic Act 1988. A copy of the original certificate of insurance or cover note relating to each vehicle which shows those persons entitled to drive must be retained by the operator on the premises specified on the licence. Where the policy is a fleet policy confirmation that the vehicle is included on the schedule of vehicles will also be required in addition to the insurance certificate.
27. MOT – The operator must at all times ensure that each vehicle has a valid MOT test certificate if required by law.

Fares

28. Agreed fare - Where the fee is agreed in advance, the operator shall ensure that no more than the agreed fare is paid.

Other requirements

29. The Operator must comply with all other relevant statutory requirements. The Operator must also take all reasonable steps to ensure that any drivers they employ or uses comply with relevant statutory requirements. The most common statutory requirements are set out in the Council's guidance and policy statement accompanying these conditions.

The licence holder must meet all the conditions of this licence. Breach of these conditions may lead to the suspension of the operator's licence and consideration of revocation of the licence and/or where appropriate prosecution.

I acknowledge receipt of these conditions

Signature:

Date:

Printed:

PLEASE NOTE THAT SHOULD YOU FEEL AGGRIEVED BY ANY OF THE CONDITIONS SET OUT ABOVE THEN YOU HAVE A RIGHT OF APPEAL TO THE MAGISTRATES COURT WITHIN 21 DAYS FROM THE DATE WHEN THE LICENCE IS ISSUED. YOU ALSO HAVE A RIGHT OF APPEAL TO THE MAGISTRATES COURT AGAINST REFUSAL TO ISSUE A LICENCE WITHIN 21 DAYS FROM REFUSAL.

Appendix J

GUIDANCE ON DETERMINING THE SUITABILITY OF APPLICANTS AND LICENCEES IN THE HACKNEY AND PRIVATE HIRE TRADES

There is no evidence which can provide precise periods of time which must elapse after a crime before a person can no longer be considered to be at risk of reoffending, but the risk reduces over time. In light of that, the suggested timescales below are intended to reduce the risk to the public to an acceptable level.

Ideally, all those involved in the hackney carriage and private hire trades (hackney carriage and private hire drivers, hackney carriage and private hire vehicle owners and private hire operators) will be persons of the highest integrity.

The purpose of this document is to specify how Rugby Borough Council will determine whether a particular person is safe and suitable either to be granted a licence in the first place or to retain such a licence.

In certain circumstances these guidelines say never to a licence being granted, but each case will be considered on its own merits.

Pre-application requirements

1. The Council is entitled to set its own pre-application requirements, and these are outlined in the Policy and relevant appendices.
2. In relation to all Hackney Carriage and Private Hire licences, the Council has discretion as to whether or not to grant the licence.
3. Drivers and operators cannot be granted a licence unless the Council is satisfied that they are a “fit and proper person” to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 Sections 51 and 59 in respect of drivers; Section 55 in respect of operators).
4. There are no statutory criteria for vehicle licences, therefore the Council has an absolute discretion over whether to grant either a hackney carriage or private hire proprietor’s licence.
5. “Fit and proper” means that the individual (or in the case of a private hire operator’s licence, the limited company together with its directors and secretary, or all members of a partnership) is “safe and suitable” to hold the licence.
6. In determining safety and suitability the Council is entitled to take into account all matters concerning that applicant or licencee. They are not simply concerned with that person’s behaviour whilst working in the hackney carriage or private hire trade. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour, and the entire character of the individual will be considered. This can include, but is not limited to, the individual’s attitude and temperament.

7. Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction. Fixed penalties and community resolutions will also be considered in the same way as a conviction.
8. It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the Council. In addition, complaints where there was no police involvement will also be considered. Within this document, any reference to "conviction" will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.
9. In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, the Council will decide what action to take in the light of these guidelines.
10. In all cases, the Council will consider the conviction or behaviour in question and what weight should be attached to it, and each and every case will be determined on its own merits, and in the light of these guidelines.
11. Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors.
12. As the Council will be looking at the entirety of the individual, in many cases safety and suitability will not be determined by a specified period of time having elapsed following a conviction or the completion of a sentence. Time periods are relevant and weighty considerations, but they are not the only determining factor.
13. In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.
14. Most applicants or licensee's will have no convictions and that is clearly the ideal situation. In relation to other people, it is accepted that human beings do make mistakes and lapse in their conduct for a variety of reasons, and it is further accepted that many learn from experience and do not go on to commit further offences. Accordingly, in many cases an isolated conviction, especially if committed some time ago, may not prevent the grant or renewal of a licence.

15. It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The licensing authority has powers to take action against the holder of all types of licence (driver's, vehicle and operator's) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.
16. Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked and may result in prosecution or other enforcement action being taken.
17. As the direct impact on the public varies depending upon the type of licence applied for or held, it is necessary to consider the impact of particular offences on those licences separately. However, there are some overriding considerations which will apply in all circumstances.
18. Generally, where a person has more than one conviction, this will raise serious questions about their safety and suitability. The Council is looking for safe and suitable individuals, and once a pattern or trend of repeated offending is apparent, a licence will not be granted or renewed.
19. Where an applicant/licensee is convicted of an offence which is not detailed in this guidance, the Council will take that conviction into account and use these guidelines as an indication of the approach that should be taken.
20. These guidelines do not replace the duty of the Council to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by these guidelines, the Council will consider the matter from first principles and determine the fitness and propriety of the individual.

Drivers

21. As the criteria for determining whether an individual should be granted or retain a hackney carriage driver's licence are identical to the criteria for a private hire driver's licence, the two are considered together.
22. A driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle.
23. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.

24. As stated above, where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a safe and suitable person.
25. In relation to single convictions, the following time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted.

Crimes resulting in death

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

Exploitation

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

Offences involving violence

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

Possession of a weapon

28. Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Sex and indecency offences

29. Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted.
30. In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.

Dishonesty

31. Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Drugs

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

33. Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Discrimination

34. Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Motoring convictions

35. Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

Drink driving/driving under the influence of drugs/using a hand-held telephone or hand-held device whilst driving

36. Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.
37. Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

Other motoring offences

38. A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. The 5 year period remains in place even when penalty points expire and are removed from the DVLA licence.
39. A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed. The 7 year period remains in place even when penalty points expire and are removed from the DVLA

licence.

Hackney carriage and private hire offences

40. Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Vehicle use offences

41. Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Private Hire Operators

42. A private hire operator (“an operator”) does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the private hire vehicle (except where they are also licensed as a private hire driver). However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others or used by the operator or their staff for criminal or other unacceptable purposes.
43. As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person.
44. Operators must ensure that any staff that are used within the business (whether employees or independent contractors) and are able to access any information as described above are subject to the same standards as the operator themselves. This can be effected by means of the individual staff member being required by the operator to obtain a basic DBS certificate. If an operator is found not to be applying the required standards and using staff that do not meet the Council’s overall criteria, that will lead to the operator’s licence being revoked.
45. As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to operators as those applied to drivers, which are outlined above.

Vehicle proprietors

46. Vehicle proprietors (both hackney carriage and private hire) have two principal responsibilities.
- Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times.
 - Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.
47. As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable

person to be granted or retain a vehicle licence. As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to proprietors as those applied to drivers, which are outlined above.

Appendix K

CODE OF CONDUCT WHEN WORKING WITH VULNERABLE PASSENGERS

A vulnerable passenger is a passenger whose age or disability means that they are more susceptible to harm than a typical passenger. This may be, for example, a child, an elderly person or somebody with learning difficulties. In addition, an individual should be considered vulnerable if they do not fall within the description above, but their condition is such as to render them more susceptible to harm than may otherwise be the case (for example as a result of being under the influence of alcohol or drugs).

This code of conduct aims to promote good safeguarding practice for drivers and staff working with vulnerable passengers in the taxi or private hire trade. The following safeguarding principles should be embedded into driver working practice:

- Drivers must always carry photo ID and wear it in accordance with the conditions of licence.
- A vulnerable passenger must not be transported in the front passenger seat of the vehicle.
- The driver/operator must confirm that appropriate provision has been made for the vulnerable person prior to accepting the booking or commencing the journey. This does not necessarily mean that the driver / operator is responsible for the provision of appropriate measures, however if appropriate measures are not in place then the driver / operator must not undertake the journey.
- When making a journey with vulnerable passengers and there is a carer/responsible person present, then photo-identification should be produced to the driver by the carer responsible for the vulnerable person. If necessary, the driver should obtain a record of the carer's contact details if there is no chaperone.
- If a vulnerable passenger is refused service a responsible person, such as their carer, family member, parent or guardian should be informed so that alternative arrangements can be made. For example, this situation may arise if the customer has an assistance dog and the driver has a medical exemption granted by the council.
- Drivers should always ask if a vulnerable passenger needs assistance and should not make assumptions.
- Drivers must remain professional at all times and should not:
 - Touch a person inappropriately
 - Make offensive or inappropriate comments (such as the use of swearing or sexualised or discriminatory language)
 - Behave in a way that may make a passenger feel intimidated or

threatened

- Attempt to misuse personal details obtained via the business about a person

These standards are equally applicable when working with vulnerable and non-vulnerable passengers.

- A log should be maintained by drivers when a service has been provided to a vulnerable passenger including the details of any incidents occurring/ actions taken or refusals of service.
- Drivers and operators must remain alert to issues around the safeguarding of children and adults at risk. If a driver/operator is concerned about the safety, welfare or behaviour of a vulnerable person, they should report this to the Police by telephoning 101 (or in an emergency by calling 999).
- If a driver/operator is concerned about someone else's conduct, they should report such concerns to the Council's Licensing team Police (101 or in an emergency by calling 999) or Crimestoppers (0800 555111).

Appendix L

PENALTY POINTS SCHEME

	Details of the misconduct	Points Applicable	Driver	Vehicle Owner or Operator
1	Providing false or misleading information on licence application form/failing to provide relevant information or pay the relevant fee	12	<input type="checkbox"/>	<input type="checkbox"/>
2	Failure to notify, in writing, the Council of a change of address within 7 calendar days	8	<input type="checkbox"/>	<input type="checkbox"/>
3	Refusal to accept hiring without reasonable cause	10	<input type="checkbox"/>	<input type="checkbox"/>
4	Unreasonable prolongation of journeys or any misconduct regarding the charging of fares	10	<input type="checkbox"/>	
5	Plying for hire by Private hire drivers or Hackney Carriage drivers plying for hire outside the district	12	<input type="checkbox"/>	<input type="checkbox"/>
6	Private hire vehicle parking or waiting on a taxi rank	9	<input type="checkbox"/>	<input type="checkbox"/>
7	Inappropriate behaviour at a taxi rank	1-12	<input type="checkbox"/>	<input type="checkbox"/>
8	Leaving a taxi unattended at a rank	7	<input type="checkbox"/>	
9	Using unlicensed vehicle or using a licensed vehicle without insurance or without a valid MOT	12	<input type="checkbox"/>	<input type="checkbox"/>
10	Failure to produce relevant documents within timescales when requested by an Authorised Officer	7	<input type="checkbox"/>	<input type="checkbox"/>
11	Unsatisfactory condition of vehicle, interior or exterior	8	<input type="checkbox"/>	<input type="checkbox"/>
12	Failure to provide proof of insurance cover when requested	6	<input type="checkbox"/>	<input type="checkbox"/>
13	Failure to produce Hackney Carriage or Private Hire vehicle for re-testing when required	8		<input type="checkbox"/>
14	Using a vehicle subject to a suspension order issued by an Authorised Officer or a police officer	12	<input type="checkbox"/>	<input type="checkbox"/>
15	Using a vehicle for which the licence has been suspended or revoked	12	<input type="checkbox"/>	<input type="checkbox"/>
16	Failure to report, in writing, within 72 hours, accident or damage to licensed vehicle, which would cause the vehicle to breach licence conditions	8	<input type="checkbox"/>	<input type="checkbox"/>
17	Carrying more passengers than stated on the vehicle licence	12	<input type="checkbox"/>	
18	Failure to display external licence plate in a fixed position	12	<input type="checkbox"/>	<input type="checkbox"/>
19	Carrying an offensive weapon in the vehicle	12	<input type="checkbox"/>	
20	Failure to notify a transfer of Private Hire or Hackney Carriage vehicle licence within 14 days of transfer	6		<input type="checkbox"/>
21	Failure to carry fire extinguisher	6		<input type="checkbox"/>

	Details of the misconduct	Points Applicable	Driver	Vehicle Owner or Operator
22	Failure to carry first aid kit	6		<input type="checkbox"/>
23	Displaying unsuitable or inappropriate sited signs or unauthorised advertisements in or on the vehicle	6	<input type="checkbox"/>	<input type="checkbox"/>
24	Failure to use authorised roof light	6	<input type="checkbox"/>	<input type="checkbox"/>
25	Failure to maintain records in a suitable form of the commence and cessation of work of each driver each day	4		<input type="checkbox"/>
26	Failure to produce on request records of drivers' work activity	4		<input type="checkbox"/>
27	Using a non-approved or non-calibrated taximeter (HC)	12	<input type="checkbox"/>	<input type="checkbox"/>
28	Obstruction of an authorised officer or police officer wishing to examine a licensed vehicle	12	<input type="checkbox"/>	<input type="checkbox"/>
29	Evidence of smoking in vehicle	8	<input type="checkbox"/>	<input type="checkbox"/>
30	Evidence of food or drink waste in Vehicle	6	<input type="checkbox"/>	<input type="checkbox"/>
31	Displaying any feature on private hire vehicle that may suggest that it is a Hackney Carriage	10	<input type="checkbox"/>	<input type="checkbox"/>
32	Using a vehicle, the appearance of which suggests that it is a Taxi	12	<input type="checkbox"/>	<input type="checkbox"/>
33	Failure to carry an assistance dog without requisite medical exemption certificate	12	<input type="checkbox"/>	<input type="checkbox"/>
34	Driver not holding a current DVLA licence	12	<input type="checkbox"/>	<input type="checkbox"/>
35	Failure to have the driver's badge clearly displayed on their person and in the vehicle as required by the Code of Conduct	6	<input type="checkbox"/>	
36	Failure to notify, in writing, a change in medical circumstances	6	<input type="checkbox"/>	<input type="checkbox"/>
37	Driver dressed inappropriately	4	<input type="checkbox"/>	
38	Failure to observe rank discipline (HC)	3	<input type="checkbox"/>	
39	Failure to maintain proper records of private hire vehicles	3		<input type="checkbox"/>
40	Failure to keep or produce records of Private Hire bookings or other documents required to be kept or produced	8		<input type="checkbox"/>
41	Failure to notify, in writing, change in details of operator working for	6		
42	Misleading use of the words 'Taxi' or 'Cab' on advertising materials	6		<input type="checkbox"/>
43	Failure to issue receipt on request.	6	<input type="checkbox"/>	<input type="checkbox"/>
44	Using a licensed vehicle in a dangerous condition	12	<input type="checkbox"/>	<input type="checkbox"/>
45	Failure to return vehicle licence plate within 7 days after due notice following expiry, revocation or suspensions of such licence	8		<input type="checkbox"/>

	Details of the misconduct	Points Applicable	Driver	Vehicle Owner or Operator
46	Unsatisfactory behaviour or conduct of a driver.	1-12	<input type="checkbox"/>	
47	Failure to notify the Council in writing, of any motoring or criminal convictions within 72 hours or conviction or cautions during period of current licence	8	<input type="checkbox"/>	<input type="checkbox"/>
48	Failure to behave in a civil and orderly manner or bringing the trade into disrepute.	1-12	<input type="checkbox"/>	<input type="checkbox"/>
49	Failure to provide reasonable assistance to a passenger	1-12	<input type="checkbox"/>	<input type="checkbox"/>
50	Failure to display a correct up to date fare card (HC)	8	<input type="checkbox"/>	<input type="checkbox"/>
51	Carrying two or more separate fares without the appropriate consent	9	<input type="checkbox"/>	
52	Failure to carry a legal spare wheel (or appropriate alternative) and the necessary tools to fit the spare wheel	6	<input type="checkbox"/>	<input type="checkbox"/>
53	Failure to attend punctually at appointed time and place without sufficient cause. This includes application appointments	4	<input type="checkbox"/>	<input type="checkbox"/>
54	A licensed vehicle with a bald or dangerous or defective tyre	4 per tyre	<input type="checkbox"/>	<input type="checkbox"/>
55	Failure to submit licence renewal application including documents and attendance at a vehicle inspection	6	<input type="checkbox"/>	<input type="checkbox"/>
56	Use of a vehicle without a current compliance certificate	12	<input type="checkbox"/>	<input type="checkbox"/>
57	Waiting or stopping on a double yellow area, bus stop or private land (without the owner's permission) unless requested by a paying customer present in the vehicle	4	<input type="checkbox"/>	
58	Driving whilst using a mobile phone	12	<input type="checkbox"/>	
59	Using vehicle horn otherwise than in accordance with the rule 112 of the Highway Code	8	<input type="checkbox"/>	

Officers may refer any mandatory award of points to Members where there are aggravating features to the Licensing Sub-committee where there are aggravating features to any case.

Ticks indicate potential recipients of points for infringements but are not limited to those only. Certain cases may result in drivers and/or proprietors and/or operators receiving penalty points. Points may be awarded to one or several persons depending upon the circumstances of the case, but each case will be considered on its individual merits.

Introduction

1. Hackney Carriage and Private Hire Operators, drivers and vehicles are principally governed by the Local Government (Miscellaneous Provisions) Act 1976, Town Police Clauses Act 1847, Councils Byelaws and the Rules, Regulations and Conditions set by the Public Protection Sub-Committee.
2. Should operators, drivers or proprietors of vehicles commit an offence or breach those rules, regulations or conditions of licence, persons involved are asked to attend the offices for an interview and then once investigations are completed, letters are sent out detailing the outcome and a permanent record kept on the persons' file. The outcome of investigations may result in no further action being taken, penalty points being awarded, a formal warning, referral to the Public Protection Sub-Committee and /or prosecution.
3. The aim of a penalty point scheme is to work in conjunction with other enforcement options. It provides a formalised stepped enforcement plan. The purpose of the scheme is to record misdemeanours and to act as a record of drivers, vehicle proprietors and operator's behaviour and conduct so as to ascertain whether they are a fit and proper person. It does not prejudice the Council's ability to take other actions.
4. The primary objective of the penalty point's scheme is to improve levels of compliance and help improve the standards, safety and protection of the travelling public.
5. Penalty points remain on the licencee's record for 24 months. The period is a roll forward basis, so as to allow any older points to be considered as spent and therefore excluded from the running total recorded against any individual licencee.

Issue of Penalty Points

6. Complaints from the public concerning significant breaches of conduct will be subject to investigation by officers and may be reported to the Licensing Sub-Committee for the issue of discretionary points.
7. Where a licencee accumulates 12 or more penalty points in any 24 month period, the matter will be referred to the Council's Licensing Sub-Committee for the Committee to decide whether the licencee remains a fit and proper person. The Committee may then suspend or revoke a licence, or issue a warning to the licencee, depending on the circumstances. Periods of suspension of a licence by a Committee will be dependent on the nature of the breaches of the legislation/conditions and the compliance history of the individual. Suspension periods will normally vary between 7 to 31 days.
8. Penalty Points will remain current for 24 months from the date the penalty points were issued. Points issued to either the proprietor of a vehicle, operator or a driver will be confirmed in writing normally within 10 working days of the conclusion of the investigation into the contravention.
9. The system will operate without prejudice to the Council's ability to take other action that it is entitled to take under legislation, byelaws and regulations.
10. Any disputes regarding the issuing of penalty points will be referred to the Licensing Sub- Committee who will have the discretion to award a greater number

of points than displayed on the tariff, if the complaint is upheld. Drivers or Operators must appeal *against points awarded by officers* to the Licensing Sub-Committee within 21 days of them being issued.

Appendix M

HACKNEY CARRIAGE AND PRIVATE HIRE INSPECTION FORM

IMPORTANT: Read Standards of Inspection overleaf

Chassis No:	Inspection Form Reference:		Class of Inspection: <input type="checkbox"/> Hackney Carriage <input type="checkbox"/> Private Hire
Vehicle Registration:	Make and Model:	Year of Manufacture:	
Plate No:	Mileage:	Colour:	

Item Tested	Pass (✓)	Fail (x)	Reasons for Failure (see overleaf for guidance)
MOT (VALID)			
MOT requirements			
Lighting Equipment			
Front and rear lamps			
Headlamps			
Stop lamps			
Rear reflectors			
Direction indicators			
Steering and suspension			
Steering control			
Steering mechanism/system			
Power steering			
Transmission			
Wheel bearings			
Front suspension			
Rear suspension			
Shock absorbers			
Brakes			
Controls/ABS warning system			
Condition of service brake system			
Condition of parking brake system			
Service brake performance			
Parking brake performance			

Tyres and wheels			
Tyre type			
Tyre condition (including spare)			
Road wheels			
Seat belts			
Mountings			
Conditions			
General			
Driver's view of the road, mirrors			
Horn			
Exhaust system			
Fuel system			
Exhaust emissions			
Body interior			
Luggage space			
Fire extinguisher and first aid kit			
Meter – test and seal			
Licence plates/discs (if applicable)			
Roof sign and For Hire sign (HC only)			
Body exterior			
Doors			
Seats			
Electrical wiring and equipment			
Speedo			
Oil and water leaks			
Wheelchair accessible vehicles			
Restraints and seatbelts			
Ramps			
Lifts			
Seat belts			
Mountings			
Conditions			
General			
Driver's view of the road, mirrors			
Horn			
Exhaust system			
Fuel system			
Exhaust emissions			
Body interior			
Luggage space			
Fire extinguisher and first aid kit			
Meter – test and seal			
Licence plates/discs (if applicable)			

Roof sign and For Hire sign (HC only)			
Body exterior			
Doors			
Seats			
Electrical wiring and equipment			
Speedo			
Oil and water leaks			
Wheelchair accessible vehicles			
Restraints and seatbelts			
Ramps			
Lifts			

Standards of Inspection

Lighting Equipment	Reasons for Failure
Front and rear lamps	Lights inoperable or of insufficient intensity. Incorrect bulbs fitted. Lamps not properly aligned. Lamp flickers when tapped lightly by hand.
Headlamps	
Stop lamps	
Rear reflectors	
Direction indicators	
Steering and suspension	Reasons for Failure
Steering control	Inoperable, worn or faulty steering or suspension. Jagged edges on steering wheel rim.
Steering mechanism/system	
Power steering	
Transmission	
Wheel bearings	
Front suspension	
Rear suspension	
Shock absorbers	
Brakes	Reasons for Failure
Controls/ABS warning system	Any of the systems do not operate effectively and/or safely.
Condition of service brake system	
Condition of parking brake system	
Service brake performance	
Parking brake performance	
Tyres and wheels	Reasons for Failure
Tyre type	Damaged, worn, substandard or otherwise illegal tyres. Spare wheel, jack and wheel brace (or manufacturers' alternative) not provided and secured.
Tyre condition (including spare)	
Road wheels	
Seat belts	Reasons for Failure
Mountings	Damaged, worn or incorrectly operating seatbelts. Insufficient seatbelts.
Conditions	
General	Reasons for Failure
Driver's view of the road, mirrors	Loose, damaged, missing or defective mirrors.
Horn	Defective horn.
Exhaust system	Missing, insecure or inadequate heat shield.
Fuel system	Leaks, excessive wear, damaged or insecure pipes, missing filler cap.
Exhaust emissions	Excessive smoke emission.
Body interior	Excessive corrosion/damage, unsightly appearance, staining, sharp edges.
Body exterior	Excessive corrosion/damage, unsightly appearance, poor repair/paint match, sharp edges.
Luggage space	No separation from passenger seating area.
Fire extinguisher and first aid kit	First aid kit or fire extinguisher is missing, out of date or in a poor/contaminated condition.
Meter – test and seal	Meter not linked to roof sign. Meter not sealed.
Licence plates/discs	Damaged/illegible/insecure plate. Licence plate details do not match registration details.
Roof sign and For Hire sign (HC only)	Insecure sign, inconsistent/insufficient illumination, excessive damage to wiring.

Doors	Defective locks, windows, door lights, damaged/missing door seals.
Seats	Insecure seats or excessive dirt, stains, holes or tears.
Electrical wiring and equipment	Evidence of overheating. Heavily contaminated with oil.
Speedo	Speedometer inoperative or defective.
Oil and water leaks	Evidence of oil or water leaks including sun roof/windows.
Wheelchair accessible vehicles	Reasons for Failure
Restraints and seatbelts	Restraints/seatbelts missing, anchorage insecure, webbing frayed, locking ineffective.
Ramps	Inappropriate/insufficient ramps, non-slip provision worn, risk of obstruction or trip hazard.
Lifts	Wiring defects, leaks, insufficient safety barriers, safe working load not displayed.

<p>I hereby certify that the above vehicle has been inspected to the standards above and has/has not* been found to be roadworthy to be used as a hackney carriage/private hire vehicle* at the time of inspection.</p> <p>Signed: _____ (Tester/Inspector)</p> <p>Name: (in capitals) _____ Date: _____</p> <p><u>WARNING: IN MY OPINION, THE VEHICLE IS DANGEROUS TO DRIVE BECAUSE OF THE FOLLOWING DEFECT:</u></p> <p>_____</p> <p>_____</p> <p>_____</p> <p>*If the test is failed, please contact the Licensing Team on 01788 XXXX</p>	<p>Work Services Unit</p> <p>_____</p> <p>_____</p> <p>_____</p>
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