

# Hackney Carriage and Private Hire Driver Policy

**2021 - 2025**

DRAFT

**Bournemouth Christchurch and Poole (BCP) Licensing**

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## **Introduction**

The Licensing Committee and officers are committed to ensuring the highest standards in order to protect public safety when administering this policy.

All requirements contained within this policy together with conditions on the licence are mandatory requirement for holding a Private Hire or Hackney Carriage Driver Licence issued by BCP Council.

From the first day of adoption of this policy ALL licence holders are required to meet these high standards and it is expected that they will ensure they are fully aware of this policy and comply with all the requirements set out within it.

The Licensing Committee will not accept the excuse that a licence holder was not aware of these requirements when considering any matters brought before them.

### **1. Purpose statement**

- 1.1 BCP Council has a responsibility to issue Hackney Carriage and Private Hire driver licences under the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847.
- 1.2 In the interest of public safety and to safeguard vulnerable persons BCP Council seek to ensure that anyone issued with such a licence is considered to be 'fit and proper'.
- 1.3 This policy is concerned with the regulation of Hackney Carriage and Private Hire licensed drivers and the Council adopts the overall approach to encourage the responsible activity of all drivers. In the interests of its residents and visitors, it will not tolerate any driver who poses a threat to the safety of any passenger or other road user.
- 1.4 Notwithstanding the existence of this policy, each application or enforcement measure will be considered on its own merits.
- 1.5 Where it is appropriate for the Council to depart from its policy clear reasons will be given for doing so. Nothing in this policy will prevent an applicant or licence holder requesting that the Council considers the individual merits of their case and gives reasonable consideration to departing from its policy. Such requests must either be in writing, via email or orally before the Licensing Committee or Sub Committee.

### **2. Who does the policy apply to**

- 2.1 This policy will assist applicants, licence holders, officers of the Licensing Authority, Members of the Licensing Committee and persons using public carriages to be aware of the standards of conduct and behaviour required of all prospective or existing licensed drivers.
- 2.2 This policy also affords members of the Licensing Committee and officers alike, to consider the concerns of the public and other recognised bodies and to take appropriate measures where the behaviour of drivers is called into question at application or after licences have been issued.

### 3. This policy replaces

- 3.1 This policy replaces the three previous Taxi and Private Hire Public Carriage policies that covered Bournemouth Borough Council, Christchurch Borough Council and Poole Borough Council.

### 4. Approval process

- 4.1 BCP Council as the Licensing Authority has delegated the Licensing Committee to oversee the development and review of its 'Hackney Carriage and Private Hire Driver Policy'.
- 4.2 Once drafted the policy is subject to a period of public consultation. Consultation responses are reported to the full licensing committee for consideration.
- 4.3 Once finalised the policy is presented to the Full Council for ratification.

### 5. Links to BCP Council strategies

- 5.1 This policy supports the BCP Council Core Strategy.
- 5.2 During the preparation of this policy document due consideration has been given to the following Key Council Strategies:
- Corporate Plan
  - Sustainable Transport Plan
  - Workforce Strategy
  - Health & Wellbeing Strategy
  - Safeguarding Strategy
  - Climate Change Strategy
  - Children in Care Strategy
  - Crime & Disorder Reduction Strategy
  - Equality & Diversity

### 6. The Policy

- 6.1 This policy is a working document and the Licensing Authority reserves the right to alter and amend the Policy as appropriate to correct errors, inconsistencies, clarify guidance, legislative changes and issue a revised version of the Policy at any time. However, any **significant changes** to the Policy will only be implemented after a formal consultation process with the trade and public.
- 6.2 Any **significant amendment** is defined as one that:
1. is likely to have a significant financial effect on licence holders or
  2. is likely to have a significant procedural effect on licence holders or
  3. is likely to have a significant adverse effect on the community

## 7. New driver applications

- 7.1 Anyone wishing to make an application must prove to BCP Council that they are fit and proper to be issued with such a driver's licence. Anyone making an application must be at least 21 years old at the time of application. Applications are made on line and applicants must meet the Council's entry level criteria and provide the necessary documentation.
- 7.2 All applications must be completed within one year of commencing the application process. If an applicant fails to meet all the necessary application criteria within one year the application will be closed. The applicant is not permitted to apply again for a year from the date the application is closed.
- 7.3 All applicants must meet the qualification requirement by having studied and passed Level 2 Introduction to the role of Taxi and Private Hire Driver.
- 7.4 In order to ensure applicants, meet the required standard of English language competency and gain the necessary hands-on practice required to be a licensed driver, the Licensing Authority will only accept certificates from an approved provider. Other providers via on line courses are not deemed to meet the high standards required and do not provide the practical aspects of training to assist passengers with mobility.
- 7.5 Applicant identity verification checks with the college or other provider may be undertaken. This will involve confirming that the person who is submitting the certificate is the same person who attended the course. Information such as passport data and photo may be shared as deemed necessary.
- 7.6 All drivers must pass the 'Local Knowledge and Safeguarding Test' prior to being issued with a licence. The 'Local Knowledge and Safeguarding Test' will require applicants to demonstrate a working knowledge of the licensed area of BCP for Private Hire vehicles and more detailed working knowledge of the zones for Hackney Carriage licences which are not pre booked.
- 7.7 All applicants are permitted to sit the 'Local Knowledge and Safeguarding Test' on three occasions during the one-year application period. If the applicant fails to pass the test three times, then their application will be closed, and they are not permitted to reapply for a year from the date of closure of their application.
- 7.8 Applicants are required to submit an enhanced Disclosure and Barring Service Certificate (DBS) on application.
- 7.9 From the implementation date of this policy all drivers will be required to sign up to the DBS update service. This is an annual subscription service that allows drivers to provide the Council's licensing officers with access to DBS records at any time. Applicants must sign up to the update service within 28 days of the DBS certificate being issued. <https://www.gov.uk/dbs-update-service>
- 7.10 Applications will be assessed with reference to the 'Fit and Proper' criteria as set out in Chapter 8. If you are deemed not to meet the criteria your application will be rejected.
- 7.11 Any applicant who makes a false or inaccurate statement on their application form will not be deemed to be a fit and proper person to hold a licence and their application will

be terminated. This includes not disclosing convictions, cautions, penalty or previous licence revocation.

- 7.12 Anyone whose application is terminated for making a false or inaccurate statement on their application form will not be permitted to reapply for a licence for 12 months from the termination of their application. It is an offence to knowingly or recklessly make a false statement or to omit information required by the Council by virtue of s.57 Local Government (Miscellaneous Provisions) Act 1976.
- 7.13 When a licence is issued to a new driver, on collection of their licence they will be required to sign a declaration that they have read and understood this policy document and all annexes which include the driver licence conditions/byelaws which they are required to adhere to all times (Appendix A)
- 7.14 Licences will be issued for a period of 3 years.

## **8. Fit and Proper Person test**

- 8.1 The sections below, apply equally to Private Hire and Hackney Carriage drivers. The Licensing Authority may impose such additional conditions on a Private Hire driver's licence as it sees fit.
- 8.2 Passengers are potentially vulnerable when being transported due to; their age, unaccompanied children, people with a disability, those who may have consumed excessive quantities of alcohol, lone people and overseas' visitors or tourists to the area.
- 8.3 The Licensing Authority has a duty to take a robust stance in ensuring that applicants and licence holders are and remain 'fit and proper' to hold a licence at all times.
- 8.4 The term 'fit and proper person' is not defined in law and this Authority considers the definition be considered in line with modern thinking as 'safe and suitable' to be a licensed driver.
- 8.5 In considering what might be assessed to ensure that a driver is fit and proper or safe and suitable the Licensing Authority considers the following to be amongst appropriate matters that it will take into account:
1. Criminality (see criminal convictions guidelines Appendix C.)
  2. Period of holding a drivers licence.
  3. Conduct of the driver during the licence period, including relationship and co-operation with officers of the Licensing Authority.
  4. Number of points on a licence or driving convictions.
  5. Right to work in the UK and any time restrictions.
  6. Medical fitness – physical and mental condition.
  7. Enhanced driver competence by means of an appropriate higher standard Driving Assessment Test.
  8. Characteristics displayed by a driver towards customers and others, ie staff in the Licensing Team or other Council officers and their overall integrity.
- 8.6 From the date of this policy enhanced DBS checks on licenced drivers will take place every 6 months via the DBS update service. Should any driver disclose any conviction, caution or penalty or the DBS check shows a change in the DBS status the drivers will be required to provide a full DBS certificate on request.

- 8.7 BCP Council will have regard to the Institute of Licensing guidance on determining the suitability of applicants and licensees in the taxi and private hire trade as a minimum standard  
[https://www.instituteoflicensing.org/documents/Guidance\\_on\\_Suitability\\_Web\\_Version\\_\(16\\_May\\_2018\).pdf](https://www.instituteoflicensing.org/documents/Guidance_on_Suitability_Web_Version_(16_May_2018).pdf), however the convictions guidelines in Appendix C will be taken as the base line relating to convictions.
- 8.8 In addition consideration on suitability may include other factors including the conduct of the applicant during the application process or during the term of their existing or previous licence as well as their conduct, co-operation and working relationship with the Authority and its officers. .
- 8.9 In cases of convictions or cautions received whilst licensed that only come to light following the 6 monthly enhanced DBS check the matter will be referred to the Licensing Committee to consider if the driver remains a fit and proper person to hold such a licence.
- 8.10 In essence a 'fit and proper' person;
1. should not be violent, abusive or threatening in their behaviour even if subjected to unpleasant, confrontational or dishonest passenger behaviour or when subject to enforcement action from officers.
  2. should be honest, trustworthy **and** have integrity, as they have access to a large amount of personal information that could be misused with significant opportunity to defraud passengers in drink or under the influence of drugs, the vulnerable or overseas passengers, or to steal property left in their vehicles.
  3. should display safe and competent driving standards, as they are professional drivers and should be fully aware of all road traffic legislation, the safety of their passengers and the safety of their vehicles at all times.
  4. be in good physical and mental health to ensure they do not put passengers at any risk whilst transporting them, through for example having uncorrected or impaired eyesight, suffering from medical conditions including cardiac events, depression, recovering from a stroke, or have impaired driving ability through the use of prescribed medication. They must also be physically fit and agile to load passengers in wheelchairs into their vehicles.
  5. should work co-operatively with and be civil and respectful towards officers of the Licensing Authority who are carrying out their duties.
- 8.11 This list is not exclusive and other factors may also be relevant to the 'fit and proper person' definition.
- 8.12 The Licensing Authority will consider all information provided to it from sources such as the Police, Children and Adults Safeguarding Boards, Passenger Services and other statutory agencies. Existing licence holders will also have previous history/outcomes during their time as a licensed driver /operator or previous applicant taken into account and their ability to work constructively and positively with the Licensing Authority.
- 8.13 The Licensing Authority will consider all criminal history, unacceptable behaviour and conduct , irrespective of whether the specific history, behaviour or conduct occurred whilst



drivers were directly engaged in Private Hire or Hackney Carriage work at the time or whether they occurred during the driver's own personal time.

- 8.14 Where an EU national or other nationality has made an application and they have lived in the UK for at least 12 months, but information on their previous criminal history/convictions is limited or not available at all then the matter will be brought before the Licensing Committee for final determination as to whether a licence should be granted in these circumstances.
- 8.15 Periods of residency outside the UK. Applicants who have spent six months or more living overseas whilst holding a driver's licence with the Authority will be required to present a criminal record check from the country/countries they have lived in/visited covering the period that the applicant was living overseas.
- 8.16 This can be done through the 'Certificate of Good Conduct' from the Embassy of the relevant country. This will include renewal applicants where the driver has returned overseas to spend several months with their family. Private Hire Operators will be required to share information with the Licensing Authority where they are aware that a driver they use for private hire services has returned overseas for a lengthy period of six months or more.

## 9. Renewals

- 9.1 Holders of existing driver's licences must apply to renew their licence no earlier than 2 months prior and no later than 5 working day prior to the expiry date.
- 9.2 Hackney Carriage and Private Hire Drivers Licence shall be issued for a standard length of three years (maximum duration). Any shorter duration must be requested by an applicant and shall only be issued when the Licensing Authority considers it is appropriate due to the specific circumstances of the case.
- 9.3 The Council has no duty to notify drivers that their licence is due for renewal as it is the licence holder's responsibility to renew their licence. As a courtesy an e-mail reminder will be sent to the driver in advance of their renewal date.
- 9.4 Renewal applications and all associated paperwork must be submitted electronically via e-mail to [taxi.privatehire@bcpcouncil.gov.uk](mailto:taxi.privatehire@bcpcouncil.gov.uk), before the licence has expired. Payment should be made on line.
- 9.5 From the implementation date of this policy all drivers will be required to sign up to the DBS update service. This is an annual subscription service that allows drivers to provide the Council's licensing officers with access to DBS records at any time, applicants must sign up to the update service within 30 days of the DBS certificate being issued.
- 9.6 Failure to disclose or declare **any** previous convictions, cautions, fixed penalty notices or pending charges may be construed as an attempt to deceive and appropriate and proportionate action will be taken. It is an offence to knowingly or recklessly make a false statement or to omit information required by the Council by virtue of s.57 Local Government (Miscellaneous Provisions) Act 1976.
- 9.7 In cases of convictions or cautions received whilst licensed and only declared at the time of renewal, the decision to renew a driver's licence will be referred to the Licensing Committee.



- 9.8 Renewal applications with newly disclosed convictions will be assessed with reference to the convictions guidelines as detailed in Appendix C of this document.
- 9.9 Drivers who do not renew their licence by the expiry date are no longer authorised as a licensed driver from the date of expiry of the licence. The Licensing Authority may notify the driver's Operator or vehicle proprietor that the licence has lapsed if appropriate.
- 9.10 Anyone who does not renew their licence by the renewal date is required to return their badge within 5 working days and their licence will be deemed lapsed.

## 10. Safeguarding

- 10.1 Awareness about human trafficking and child sexual exploitation can assist Private Hire and Hackney Carriage drivers to protect those who are vulnerable and/or being exploited. Licensed drivers can help identify those who commit these crimes and can help assist those in need of help.
- 10.2 Anyone applying to become a licensed driver and those renewing their licence will be expected to undertake Safeguarding training.
- 10.3 Safeguarding training will be delivered by an approved provider such as the Blue Lamp Trust, in a classroom setting. All applicants must attend this training and present the certificate prior to sitting the knowledge test.
- 10.4 Drivers renewing their licence must, no earlier than 8 weeks of their renewal date, renew their safeguarding training certificate by attending the training as detailed above. A certificate is issued and must be presented at renewal.
- 10.5 During any exceptional circumstances whereby it is not safe to deliver classroom training, applicants and existing drivers can attend the training virtually.
- 10.6 All drivers are expected to adhere to good safeguarding practices

## 11. Medicals

- 11.1 The council has determined that all licensed drivers must comply with the DVLA 'Group 2 Standard for Drivers'. This is a higher medical standard that recognises the length of time an occupational driver spends behind the wheel. Guidance of what medical conditions affect a drivers licence can be found at <https://www.gov.uk/guidance/general-information-assessing-fitness-to-drive>
- 11.2 Group 2 medical certificates must be completed by the drivers own GP or recognised medical centre, with access to the driver's medical records.
- 11.3 Medical certificates are required at the time of any new application and then every 5 years from the age of 45 to the age of 65. After the age of 65 the medical is required on an annual basis.
- 11.4 Drivers will be required to submit their completed medical certificate to the licensing office via email at [taxi.privatehire@bcpcouncil.gov.uk](mailto:taxi.privatehire@bcpcouncil.gov.uk) on or before their birthday when they reach the ages of 45,50,55,60 and 65. Then from the age of 65 every year on their birthday..

- 11.5 If a driver fails to submit a completed medical certificate by the due date their Public Carriage drivers licence will be suspended until such time as the certificate is received and accepted by the licensing team. In all such cases the licensing officer will also notify the driver's operator or the proprietor of the vehicle they drive, to advise them of the suspension. Once the medical is received all parties will be notified that the suspension has been lifted.
- 11.6 This requirement is not contingent on any other need to provide a medical, such as date of first application or reported health concerns that may reflect the need for additional medical assessments.

## **12. Data handling and National Register of Hackney Carriage and Private Hire vehicle driver licence refusals and revocations database**

- 12.1 This Council has subscribed to the National Register of Hackney Carriage and Private Hire Vehicle driver licence refusals and revocations, the 'national register of refusals and revocations' or NR3 database.
- 12.2 At the point of application, checks will be made on the National Anti Fraud Network Database (NAFN), to ensure any history held regarding an applicant's previous refusals/revocations from other licensing authorities is available for consideration.
- 12.3 The Licensing Authority will upload data on refused/revoked licences into the NAFN database,
- 12.4 Any applicant who has held a licence issued by another Council and has had their licence revoked within three years of their application will be referred to the Licensing Committee who will consider the application on its own merits.
- 12.5 Information held by the Licensing Authority complies with requirements of the Data Protection Act 2018; however, there is a requirement for a 'Public Register' to be kept available for the free public inspection of all dual drivers' licences granted. To promote public safety this register will also detail information of any dual driver licences suspended or revoked.
- 12.6 Any information given may be shared with other internal/external organisations/partners to prevent crime and/or detect fraud, to promote public safety and safeguarding, or when a driver is suspected of having committed an offence, civil or criminal.
- 12.7 Under the Freedom of Information Act 2000 the Licensing Authority is required to provide certain information to the public by request. There are, however, exemptions to this duty, which includes certain personal or sensitive data, confidential information and business/commercial information.
- 12.8 The Licensing Authority may lawfully disclose information to other public sector agencies and external partners to:-
1. Protect the safety of the public.
  2. Prevent or detect fraud and any other crime.
  3. Support national fraud initiatives.
  4. Protect public funds.
  5. Progress a request for service.

- 12.9 Safeguard children and those adults at risk of harm in particular sharing information with the Children or Adults Safeguarding Board or officers of the Safeguarding Unit, other Licensing Authorities to protect the travelling public or with the Council's Legal Services Team or Transport Services Team, which may impact, on the delivery of its schools and adult services contracts.
- 12.10 The safeguarding and protection of the public will be the primary aim when deciding whether to share information with other services, organisations or partners.
- 12.11 Relevant information is held on record relating to the history of a licensed driver, vehicle owner or operator, is retained until the lapse, surrender, refusal or revocation of a licence and then usually held for an additional period of 6 years before being destroyed. Each case will be considered on its own merits prior to its destruction in line with the 'Licensing Retention of Documents' policy.
- 12.12 In some cases due to the serious nature of offences/allegations the information may be held indefinitely by the Authority. Historic data can be very relevant to the Licensing Authority to demonstrate a pattern of behaviour and characteristics by a licensed driver or applicant over a number of years or that a licence has been revoked by the Licensing Authority for a serious safeguarding or public safety matter.
- 12.13 In addition, information from the enhanced Disclosure and Barring Certificate checks are retained in accordance with the DBS Code of Practice. However as drivers are now registered on the online DBS Update service there will be little need to retain this information in the future, other than noting any recordable offences for future reference.

### **13. Equality Act 2010 and medical exemptions**

- 13.1 Under section 165 licensed drivers of designated wheelchair accessible vehicles must provide assistance to passengers into and out of the vehicle. Full guidance on driver responsibilities is included in Appendix B.
- 13.2 Drivers of wheelchair accessible vehicles must undergo additional passenger transportation training and the evidence of this training must be supplied at renewal of both the drivers licence and the vehicle licence.
- 13.3 Under section 168 licensed drivers are under a duty to carry passengers with guide/hearing and other assistance dogs without additional charge for the animal. When carrying such passengers drivers must: -
1. Convey the disabled passenger's dog and allow it to remain under the physical control of the owner.
  2. Not make any additional charge for doing so.
- 13.4 Any driver of a wheelchair accessible vehicle or any licensed vehicle who has a medical reason why they cannot comply with the requirements of the Equality Act 2010 must apply for a medical exemption as set out in the Equality Act Policy (Appendix B)
- 13.5 The 'Medical Exemption Certificate' (MEC) is only valid for drivers when it is displayed in the vehicle. If the MEC is not displayed the driver MUST comply with the legislation.

13.6 The MEC is granted to the driver only and cannot be transferred to any other driver of the vehicle. Once the driver leaves the vehicle at the end of his shift the MEC must be removed from the front screen.

## 14. Driver conduct requirements

14.1 It is expected that all licensed drivers will take reasonable steps to comply with the following standards failure to do so will lead to questions about their continued fitness and propriety:

1. To carry out a daily check to ensure that the vehicle is in a roadworthy condition prior to carrying passengers. Where faults of any description are identified which undermine the roadworthy condition of the vehicle the driver should not drive the vehicle and should report them to the proprietor as soon as possible.
2. To be professional and understanding to other road users.
3. To be polite and courteous to passengers.
4. To behave in a manner that is in keeping of that expected of a professional licensed driver.
5. Not to engage in any activity that would undermine professional standards and public confidence in the service.
6. Not to engage in any unwanted conversation or enter into any conversation of a personal or sexual nature.
7. Not to ask for or share any personal contact details with any passengers including via any social media apps.
8. To assist passengers, where necessary into and out of the vehicle.
9. To offer assistance to passengers with their luggage.
10. To wear the driver's identification badge at all times when working.
11. Be punctual.
12. Not to allow passengers to smoke in your vehicle.
13. Not to use a hand held mobile phone or similar device whilst driving.
14. Transport passengers by the shortest available route (subject to any unforeseen circumstances such as any road works or congestion where it may be appropriate to take an alternative route by agreement with the passenger).
15. Hackney Carriage drivers are expected to comply with sections 20.3 and 20.4 relating to the correct use of taximeter or GPS fare calculator.
16. Charge the correct monetary fare.
17. Comply with the requirements of the current Highway Code.

14.2 A licensed driver has successfully passed a local knowledge test which demonstrates a good knowledge of all main routes throughout the BCP area. A licensed driver is then expected to develop and improve their knowledge whilst working. Sole reliance on Satellite Navigation equipment is not an image that the Council wishes to promote.

14.3 A professional driver is expected to know the shortest route and where unsure to ask the passenger when nearing the desired destination.

14.4 A licensed driver should also have regard to their surrounding environment and not cause nuisance when picking up or dropping off passengers so they must take reasonable steps to comply with the following requirements:

1. Not sound the vehicle horn as a means of notifying a passenger of your arrival.
2. Switch off the engine if required to wait.
3. Do not play amplified music without passenger consent.

4. Take whatever action is necessary to avoid disturbance to local residents.
5. Pick up and drop off safely and without risk to pedestrians and other road users.

14.5 Hackney Carriages Drivers Hackney Carriage drivers **can** 'stand or ply for hire' so when using appointed ranks drivers they must comply with the following requirements:

1. Rank in an orderly manner.
2. Move up promptly to allow others to access the end of the rank.
3. If a space is not available, proceed to the next available rank.
4. Remain with the vehicle whilst ranked.
5. When hailed on the street, to stop in a safe manner without hazard to other road users.

14.6 Private Hire drivers **cannot** 'stand or ply for hire' or pick up from the street when hailed. A Private Hire driver can only accept a fare that has been pre-booked through an operator.

14.7 The Council views the following activities as examples of unlawful plying for hire:

1. Accepting a booking direct from a member of the public without the fare having been pre-booked.
2. Touting or standing at the roadside directing persons to vehicles.
3. A driver contacting his office by radio in order to make a booking on behalf of the customer.
4. A driver contacting his office using his own mobile phone to make a booking on behalf of the customer.
5. A driver offering their mobile to assist the customer to make a booking.

14.8 The Council consider all licensed drivers to be 'ambassadors' who will take personal responsibility for presenting BCP Council in a positive light. The Council is committed to improving the overall standards and as such expects all licensed drivers to present themselves in the manner that promotes a good professional image.

## 15 Driver dress code

15.1 The purpose of a driver's dress code is to seek a standard of dress that portrays a positive image of the BCP licensed trade, to enhance a professional image of drivers licensed by this Authority and to ensure public and driver safety is not compromised.

15.2 The Licensing Authority expects that drivers will always comply with the following requirements when they are working:

1. Drivers are expected to be well groomed and tidy.
2. Drivers must always ensure a smart standard of dress and cleanliness is maintained at all times.
3. Drivers must wear a top at all times.
4. Clothing should be free from holes, rips and snags.
5. Drivers must wear either a shirt, blouse/top, collared polo shirt or smart-shirt together with trousers, tailored shorts, a skirt. Demin jeans and track suit bottoms are not permitted.

6. Drivers should not wear or display any clothing, logos, badges or any other image that implies a political, sporting, national or similar allegiance which could cause offence, discriminate or enflame sections of the community.
7. Sports replica shirts e.g. football, rugby or cricket tops, track suits or gym type wear are not acceptable.
8. Footwear for all drivers shall fit around the heel of the foot. Mules or flip flops and/or bare feet are not acceptable.
9. Headwear is not permitted unless for religious or medical reasons.
10. Drivers shall not wear any item of clothing or apparel which exhibits any of the following:
  - A. Offensive language.
  - B. References to drunkenness or the use of recreational drugs.
  - C. Anything racist, sexist, discriminatory or otherwise offensive.
  - D. Uncovered offensive tattoos, words or images.

## **16 Driver licence conditions**

- 16.1 The Licensing Authority may attach such conditions to a Private Hire and/or Hackney Carriage, and/or dual drivers licence as are considered necessary.
- 16.2 The standard conditions are available in Appendix B.
- 16.3 All drivers must read and understand the licence conditions which will be available on the Council website.
- 16.4 When new drivers collect their licence for the first time they will be required to sign a declaration that they have read and understood the conditions. A copy of this policy and all accompanying appendices will be issued to them.
- 16.5 Failure to comply with the conditions set out in this document may result in enforcement action (see Chapter 18)

## **17 How to use this policy**

- 17.1 All BCP licensed drivers should ensure that they are fully compliant with the policy and appendices
- 17.2 At first application and renewal licenced drivers will be provided with an up to date link to this policy and its appendices.
- 17.3 It is a requirement that all drivers adhere to this policy and the conditions set out in it. In the event of enforcement action being necessary, it is not deemed acceptable that a licenced driver uses the excuse they were not aware of the requirements of this policy.

## **18 Roles and responsibilities**

- 18.1 The Licensing Manager is responsible for overseeing the functions and work of the licensing team who deliver the policy.



18.2 The Licensing Committee or Sub- Committee will be presented with reports in cases where drivers do not meet the conditions of their licence, or where a complaint has resulted in the need for the licence to be reviewed.

## 19 Enforcement and sanctions

19.1 Any driver who does not comply with this policy, or any conditions contained in it, which leads to a breach of a condition or any complaint received will be subject to investigation, the result of which may be brought before the Licensing Committee.

19.2 The Licensing Committee can choose to revoke a licence or suspend a licence pending any necessary action by the drivers such as attending training or counselling as required.

19.3 Decisions by the Licensing Committee are subject to appeal to the Magistrates Court within a statutory appeal period of 21 days from the notification of any committee hearing decision.

## 20 Complaints, disciplinary and delegation to officers

20.1 In cases of complaints, allegations or reports of unacceptable behaviour by a licensed driver, the licensing officer will investigate the matter fully and determine the seriousness of the allegation.

20.2 Where there are serious allegations that are deemed to pose an **imminent risk to public safety**, they will need to be investigated and actioned immediately.

The Licensing Manager or other Licensing officer will try to contact the driver in question to discuss the allegations. If the officer deems that the complaint is founded (↔) and the evidence is sufficient to support the allegation of an imminent risk to public safety, then the matter will be referred to three members of the Licensing Committee to include the Chair and/or Vice Chair for them to make a decision if any immediate action needs to be taken in respect of a licence.

20.3 If members determine that the evidence presented demonstrates there is an imminent risk to public safety, the driver's licence could be immediately revoked and the driver concerned will be notified and required to surrender their badge and paper licence the same day. Members will confirm in writing the decision made and the reasons why the decision was reached.

20.4 If members agree there is a risk to public safety, but it is not an imminent risk the matter will be referred to the Licensing Sub-Committee.

20.5 Complaints of a less serious matter will be dealt with by the Licensing Manager or another licensing officer, who is permitted to issue/authorise a letter of caution and/or suspend a licence for a period of no more than 2 weeks.

20.6 In all cases of complaint, officers will make reference to the driver licence conditions attached to all licences as detailed in Appendix A, the convictions guidelines in Appendix C as well as the Institute of Licensing guidance on the suitability of applicants and licensees in the hackney and private hire trades.

[https://www.instituteoflicensing.org/documents/Guidance\\_on\\_Suitability\\_Web\\_Version\\_\(16\\_May\\_2018\).pdf](https://www.instituteoflicensing.org/documents/Guidance_on_Suitability_Web_Version_(16_May_2018).pdf)



## Appendix A

### **Private Hire / Hackney Carriage Driver Conditions of Licence**

These conditions of licence are made pursuant to Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 and Section 46 of the Town and Police Clauses Act 1847

#### **1 DRIVER BADGE**

- a. The driver must at all times, when driving a licensed vehicle for hire or reward, wear the driver's badge issued by the Council on a prominent visible place on the outer clothing.
- b. The driver's badge remains the property of the Council. Upon expiry of the licence and badge (whether application to renew has been made or not) the badge must be returned to the Council within 7 days of expiry or other such time as the Council may specify.
- c. The badge must be returned to the Council immediately should the licence be suspended, revoked or becomes invalid for any reason (eg: expiry).

#### **2 CONDUCT OF DRIVER**

- a. The driver must dress in accordance with the BCP Council Licensed Driver Dress Code as stated in chapter 14 of the Taxi and Private Hire Driver Policy 2020-2025.
- b. The driver must comply with the BCP Code of Conduct in relation to working with vulnerable passengers chapter 15 of the Taxi and Private Hire Driver Policy 2020-2025.
- c. The driver must behave in a civil and orderly manner and comply with all reasonable requirements of any person hiring or being conveyed in the vehicle.
- d. The driver must afford all reasonable assistance with passenger luggage as may be required. At the conclusion of the journey the driver must similarly offer all reasonable assistance to passengers leaving the vehicle and assist them with luggage or any disability aids or wheelchair.
- e. Particular care must be taken with unaccompanied children and vulnerable adults. Drivers must remain alert safeguarding matters related to children and vulnerable adults. Drivers should ensure that children and vulnerable adults leave the vehicle directly onto the kerb and immediately outside their destination (if it is safe and legal to do so).
- f. The driver must take all reasonable steps to ensure the safety of passengers entering or conveyed in or alighting from the vehicle, especially those passengers with a disability – see 4 below.
- g. The driver must not smoke tobacco or like substance (including vape) in the vehicle at any time as detailed by the Health Act 2006.
- h. The driver must not, without the express consent of the hirer, drink or eat in the vehicle (water may be drunk) or play any radio or sound reproducing instrument or equipment in the vehicle other than for the sending or receiving messages in connection with the operation of the vehicle.
- i. The driver must at all times when driving a licensed vehicle ensure that such vehicle is maintained in a roadworthy and clean condition.
- j. The driver of a licensed vehicle must ensure that none of the markings / signs / notices that are required to be displayed on the vehicle become concealed from public view or be so damaged or defaced that any figure or material particular is rendered illegible.

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

l. The use of scanner equipment is prohibited.

m. The driver of a wheelchair accessible vehicle is required to hold a Driving Standards Agency (DSA) Wheelchair Assessment Certificate.

n. Drivers must undertake an inspection of any vehicle that they are driving whilst working as a private hire / Hackney Carriage driver. This inspection must be undertaken at least daily and before the first carriage of fare paying passengers in the vehicle whilst it is being driven by the licence holder. The checks to be carried out by the driver must include all vehicle maintenance items listed in the annex to the Highway Code entitled 'vehicle maintenance, safety and security'. In addition, a check must be made to ensure that all signage and notices that are required by BCP Council licensing conditions are appropriately fixed / attached to the vehicle. A record must be made by the driver to confirm that the checks have been undertaken, this record must be available for inspection by an authorised officer of the council.

o. The driver must ensure that in cases where the vehicle has been fitted with a CCTV system, it is operational at all times that the vehicle is being used as a licensed vehicle (i.e. for the carriage of fare paying passengers). The system does not need to be operational during other times (for example when being used for domestic purposes).

Video recording must be active at all times.

The driver must not tamper or otherwise interfere with the system or the footage that is contained within it (nor must the driver allow the system to be tampered or interfered with by any person that does not have the council's express authority to do so), except as would be expected in order to operate the system in accordance with the manufacturers directions.

### 3 FARES AND FARECARDS

a. The driver of a **private hire vehicle** must ensure that a notice is visibly displayed for the benefit of passengers to the effect that in the absence of a published fare scale, the fare should be agreed between passenger(s) and driver before commencement of the journey.

When a fare scale is used that fare scale must be displayed and must be a similar size to the fare cards carried by Hackney Carriages and must give an accurate reflection of the charge, including any specific additions (i.e. Bank Holiday and after midnight loading) the customer may be expected to pay.

b. The driver must not, if driving a licensed vehicle fitted with a taximeter, other approved device, cause the fare recorded thereon to be cancelled or concealed until the hirer has had the opportunity of examining it and has paid the fare.

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

d. The driver must, if requested by the hirer, provide a receipt for the fare paid, such receipt to bear the name and address of the proprietor of the vehicle together with the badge number of the driver.

### 4 PASSENGERS

a. The licence holder must not cause or suffer or permit to be conveyed in a licensed vehicle a greater number of persons exclusive of the driver than the number of persons specified in the licence issued in respect of that licensed vehicle. In addition the driver must ensure that seat belt legislation is complied with in respect of all children conveyed in the vehicle.

b. The driver must not allow to be conveyed in the front of a licensed vehicle:-

- i. more than one person unless the vehicle is manufactured to carry two front seat passengers and seat belts are fitted for both passengers, or
  - ii. subject to paragraph iv below, any child under the age of 10 years old,
  - iii. subject to paragraph iv below, any person between the ages of 10 and 18 years old, unless the passenger is part of a group that includes at least one person over the age of 18, or all other passenger seats in the vehicle are occupied by persons under the age of 18.
  - iv. Paragraphs ii and iii above do not apply in cases where it is not reasonably practicable for the child to sit in the rear of the vehicle due to them having impaired mobility or some other impairment that would mean that it is safer for them to sit in the front seat. The impairment must be confirmed by an appropriate adult (who is independent of the driver). The adult must be familiar with the child's specific needs and confirm that it is not reasonably practicable for the child to sit in the rear seat as a result of that impairment. In these cases a record must be made of the adult's name and contact details and this record must be retained by the driver for at least 28 days.
- c. The driver must not, without the consent of the hirer of the vehicle, convey or permit to be conveyed any other person in that vehicle.
- d. The driver must provide all reasonable assistance to passengers and especially those with a disability.

All drivers must comply with the requirements of The Equality Act 2010

#### **Duty to assist passengers in Wheelchairs**

Section 36 of the Disability Discrimination Act 1995 places a duty on the driver of a designated\* wheelchair accessible Hackney Carriages and Private Hire vehicles 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.

\* Designated vehicles are those listed by the Licensing Authority under section 167 of the Equality Act 2010 as being a 'wheelchair accessible vehicle'

Section 36 of the DDA 1995 remains in effect until such time as section 165 of the Equalities Act 2010 comes into force. It will then be a condition of licence that drivers adhere to the requirements of s165 of the 2010 Act.

**Duty to carry guide dogs and assistance dogs** The driver must not fail or refuse to carry out a booking by or on behalf of a person with disabilities who is accompanied by an 'assistance dog' unless the driver has a Medical Exemption granted by the Licensing Authority and is displaying the Exemption Certificate in the approved manner or in the vehicle.

Any animal belonging to or in the custody of any passenger should remain with that passenger and be conveyed in the front or rear of the vehicle.

Drivers are advised to have a blanket / towel which is kept in the boot of the licensed vehicle to be used where he/she may have concerns about excess dog hair being left in the vehicle.

#### **5 FOUND PROPERTY**

The driver must, following the setting down of passengers, ascertain if any property belonging to the hirer(s) has been left in the vehicle and if not immediately able to return any such property. Must at the

earliest opportunity deliver the item to the Customer Services centres in the Civic Offices, unless an alternative arrangement has been made with the owner of the property.

## **6 MEDICAL CONDITION(S)**

a. The licence holder must notify the Council ***in writing without undue delay*** of any change in medical condition.

b. The licence holder must at any time, or at such intervals as the Council may reasonably require, produce a certificate in the form prescribed by the Council signed by a registered medical practitioner to the effect that he/she is or continues to be physically fit to be a driver of a Private Hire/Hackney Carriage vehicle.

## **7 CONVICTIONS, CAUTIONS, ARREST ETC.**

The licence holder must notify the Council **in writing within 5 working days (or 3 working days in the case of arrest)** providing full details of any conviction, binding over, caution, warning, reprimand or arrest for any matter (whether or not charged) imposed on him / her during the period of the licence.

***The 5 days excludes a Saturday or a Sunday, Christmas Eve, Christmas Day, Good Friday, Bank Holidays or any other day on which the Licensing Office is closed.***

What should be reported:-

- Any conviction (criminal or driving matter);
- Any caution (issued by the Police or any other agency);
- Issue of any Magistrate's Court summonses against you;
- Issue of any fixed penalty notice for any matter;
- Any harassment or other form of warning or order within the criminal law including anti-social behaviour orders or similar;
- Arrest for any offence (whether or not charged).
- Any acquittal following a criminal case heard by a court.

### **Fixed Penalty Notices**

The driver must notify the Council in writing of the acceptance of any fixed penalty endorsement within **5 working days**. The driver must subsequently produce his / her driving licence to the Council, immediately following its endorsement.

### **Arrest for any Offence**

Whether charged or not the driver must notify the Council within 3 working days of their arrest for an alleged offence(s).

## **9 DISCLOSURE AND BARRING SERVICE ONLINE UPDATE SERVICE**

All licence holders must subscribe to the Disclosure and Barring Service Online Update Service. Any costs associated with maintaining this subscription must be met by the licence holder.

<https://www.gov.uk/dbs-update-service>

The licence holder must give permission for the council to undertake checks of their DBS status should the council consider it necessary to do so. The council will use the update service to monitor the criminal record of licence holders.

## **10 CHANGE OF OPERATOR**

The licence holder must notify the Council ***in writing within 5 working days*** \* of any change of operator through whom he/she works.

**\* The 5 working days excludes a Saturday or a Sunday, Christmas Eve, Christmas Day, Good Friday, Bank Holidays or any other day on which the Licensing Office is closed.**

## **11 CHANGE OF ADDRESS AND EMAIL ADDRESS**

- a. The licence holder must notify the Council **in writing/email within 5 working days** \* of any change of his/her address taking place during the period of the licence, whether permanent or temporary.
- b. The licence holder must notify the Council **in writing/email within 5 working days** \* of any change of his/her contact email address taking place during the period of the licence, whether permanent or temporary

**\* The 5 working days excludes a Saturday or a Sunday, Christmas Eve, Christmas Day, Good Friday, Bank Holidays or any other day on which the Licensing Office is closed.**

## **12 WORKING HOURS**

Licensed drivers will not drive when their ability to do so is impaired by having worked excessive hours.

## **13 CUSTOMER AND OTHER PERSONAL INFORMATION**

Drivers must ensure that any personal information obtained during the course of their business is stored securely, and only retained for as long as is absolutely necessary. Access to this information must be restricted to those that will use it for the purpose for which it has been collected.

Personal information must not be used for any other purpose other than that for which it was collected without the express permission of the individual to which the information relates.

For example, telephone numbers provided by customers so that they can be alerted / updated by SMS text message with regard to a booking they have made must only be used for this purpose. The information must not be retained by the driver after the text message has been sent, and / or used for any other purpose (such as unsolicited marketing calls).

## **14 DUTY TO COOPERATE ON REGULATORY MATTERS**

Licensed drivers must co-operate with authorised officers of the council in all matters relating to the regulation of the licensed vehicle trade. However nothing in this condition affects the licence holders statutory protection afforded by other legislation.

## **15 APPEARANCE OF DRIVER**

If a licensed driver alters their appearance significantly (for example by growing / removing a beard or moustache, changing hair colour etc), they must request a replacement ID badge from the council at the earliest opportunity and supply them with a up to date photograph that is an accurate portrayal of their current appearance.

## **16 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 1 working day (by telephone or email).

## Appendix B

### Equality Act 2010

#### Duty to assist passengers in wheelchairs

1. Under section 165 licensed drivers of designated wheelchair accessible vehicles **MUST** undertake the following duties
  - Carry the passenger while in the wheelchair
  - Not make any additional charge for doing so – this includes making sure the meter is NOT running while you are rendering assistance into and out of the vehicle
  - 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 comfort
  - To provide such assistance as it necessary to :-
    - enable the passenger to get into and out of the vehicle, this should include installing the boarding ramp
    - if the passenger wishes to remain in the wheelchair, to enable them to get into and out of the vehicle while in the wheelchair. This should include pushing a manual wheelchair or light electric wheelchair up a ramp
    - to load the passenger's luggage into out of the vehicle
    - if the passenger does not want to remain in the wheelchair to load the wheelchair into and out of the vehicle. This should include folding a manual wheelchair and placing it in the luggage compartment, or stowing a light electric wheelchair in the luggage compartment
2. It is expected by the Council that the owner and/or driver of a designated wheelchair accessible vehicle is fully aware of the safe method for loading, securing and unloading of wheelchair users. The owner and/or driver should also be aware of any limitations that the vehicle may have in relation to different types of wheelchairs.
3. It is a criminal offense to refuse to undertake any of the duties listed above any driver who breaches the duties outlines above will be liable to prosecution and their taxi license could be a risk.
4. It is recognised that some types of wheelchair, particularly some powered wheelchairs, may be unable to access some of the vehicles included in the LA's list. The Act recognises this possibility, and section 165(9) provides a defence for the driver if it would not have been possible for the wheelchair to be carried safely in the vehicle.
5. Drivers who have a certified medical condition or physical condition, which makes it impossible or unreasonably difficult for them to assist wheelchair users may apply to the council for an exemption from one or more of the duties listed above. Any such application will need to be supported by a completed medical form which is available to download from the council website. The medical form must be completed by the drivers' doctor or specialist, detailing the following:
  - What duties cannot be undertaken;
  - Why they cannot be undertaken;

- Date the conditions was first noted;
  - Whether any modification to the vehicle or the way the driver provides the service can be made that would negate the need for an exemption;
  - How long the medical exemption will be required for;
  - Provide medical reports in support of the request being made.
6. The Council reserves the right to refer the driver to the Council's own medical or occupational health practitioner if an assessment by a third party medical practitioner is felt necessary. Any additional costs will be borne by the driver.
  7. On a case by case basis a temporary exemption certificate or a permanent exemption certificate will be issued which must be displayed clearly in the front windscreen of the vehicle at all times that the driver is using the vehicle. **The exemption only applies if the notice is displayed correctly.**
  8. In cases where the licensing officer has any concerns regarding granting an exemption then the matter will be referred to the Licensing Committee.
  9. There is a right of appeal to any decision made and the driver can appeal to the Magistrates court within 28 days of the decision being made.

### **Carrying of Assistance dogs**

10. Under section 168 licensed drivers of taxis and private hire vehicles are under a duty to carry passengers with guide, hearing and other assistance dogs without additional charge. When carrying such passengers drivers must: -
  3. Convey the disabled passengers dog and allow it to remain under the physical control of the owner and
  4. Not make any additional charge for doing so.
11. It is a criminal offence to refuse to carry an assistance dog and any driver who breaches the duties outlines above will be liable to prosecution and their taxi licence could be a risk.
12. Drivers who have a certified medical conditions which is aggravated by exposure to dogs may apply to the Council for an exemption from the duties listed above. Any such application will need to be supported by a completed medical form which is available to download from the council website. The medical form must be completed by the driver's doctor or specialist, detailing the following:
  - What duties cannot be undertaken;
  - Why they cannot be undertaken;
  - Date the conditions was first noted;
  - Whether any modification to the vehicle or the way the driver provides the service can be made that would negate the need for an exemption;
  - How long the medical exemption will be required for;
  - Provide medical reports in support of the request being made.



13. The Council reserves the right to refer the driver to the Council's own medical or occupational health practitioner if an assessment by a third party medical practitioner is felt necessary. Any additional costs will be borne by the driver.
14. On a case by case basis a temporary exemption certificate or a permanent exemption certificate will be issued which **must be displayed clearly in the front of the vehicle at all times that the driver is using the vehicle**. The exemption only applies if the notice is displayed correctly.
15. In cases where licensing officer have any concerns regarding granting an exemption then the matter will be referred to the Licensing Committee.
16. There is a right of appeal to any decision made and the driver can appeal to the Magistrates court within 28 days of the decision being made.

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## Appendix C

### Criminal Convictions Guidelines

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

**This document aims to provide guidance to any person with an interest in public and Private Hire licensing. In particular, but not exclusively:**

- Applicants for drivers' licences
- Existing licensed drivers whose licences are being reviewed/renewed
- Applicants for operators' licences
- Existing licensed operators whose licences are being reviewed/renewed
- Licensing Officers
- Members of the Licensing Committee (or other relevant decision making body)
- Magistrates hearing appeals against local authority decisions
- Police Officers

Thereby providing transparency and consistency, in accordance with the principles of good enforcement and relevant Regulatory Compliance Codes.

**Where Licensing Officers have delegated powers to grant or refuse licences, they will utilise these guidelines when making a decision to grant a licence. In all other cases applications for licences will be referred to the Licensing Committee (or other relevant decision-making body). Whilst Officers and the Committee will have regard to the guidelines contained in the policy, each case will be considered on its individual merits and, where the circumstances demand, the Committee may depart from the guidelines.**

#### 1. Background

- 1.1 In this policy the word "individual" includes an existing licence holder, an applicant for a new licence, and an applicant for the renewal of an existing licence.
- 1.2 Licences for drivers of Hackney Carriages, Private Hire vehicles or Private Hire Operator may only be granted where the Council is satisfied that the individual is a fit and proper person to hold such a licence.
- 1.3 In this policy the word "issue" is used. This includes complaints made to the Council, Police, Operators or any other agency, breaches of licensing conditions and intelligence received from other agencies (including circumstances which have not resulted in a criminal conviction, caution or other disposal). E.g. incidents which have resulted in a police investigation where there has been no further action due to the criminal burden of proof will still be considered if Licensing Committee is satisfied that the incident occurred based on the balance of probabilities.

- 1.4 Licences for operators of Private Hire vehicles may only be granted where the Council is satisfied that the individual is a fit and proper person to hold such a licence.
- 1.5 The document is intended to give guidance on one aspect of whether a person is or is not a fit and proper person namely the situation where a person has previous convictions and cautions.
- 1.6 The Council is concerned to ensure:
  - a. That a person is a fit and proper person.
  - b. The public are not exposed to persons with a history of dishonesty, indecency or violence.
  - c. The safeguarding of children and young persons and vulnerable adults.
- 1.7 The public are not normally permitted to attend Committee hearings for private hire, Hackney Carriage driver applications or Private Hire operator applications or reviews, however, in determining whether to grant a licence the Committee or Officers will take into account the human rights of the wider public and balance these against the human rights of the applicant.
- 1.8 When submitting an application for a licence to drive a Hackney Carriage or Private Hire vehicle, or for an operators' licence, individuals are required to declare all previous convictions they may have. Individuals are also required to declare all formal/simple cautions, any matters of restorative justice and all fixed penalties and all endorsable fixed penalties they have received and to provide details of all criminal matters of which they are currently the subject of criminal investigation or prosecution.
- 1.9 An application for a drivers' licence is an exempt activity listed in the Rehabilitation of Offenders Act 1974 (Exemptions) Order 1975 (as amended in 2013) and as such both spent and unspent convictions and cautions must be declared.
- 1.10 The information given will be treated in confidence and will only be taken into account in relation to the relevant application to assist the Council in determining whether the applicant is a fit and proper person to hold a licence for the purposes of sections 51, 55 and 59 of the Local Government (Miscellaneous Provisions) Act 1976, or whether the Council should exercise any of its powers under section 61 and 62 of the Act (i.e. suspension, revocation or refusal to renew a licence).

Where a person is referred to the Licensing Committee and they hold more than one Licence the fit and proper test will be applied individually to each Licence.

- 1.11 Applicants for a licence to drive a Hackney Carriage or Private Hire vehicle should be aware that the Council is empowered by law to check with the Disclosure Barring Service for the existence and content of any criminal record and other intelligence held in their name. Officers from the licensing section will where appropriate contact other agencies for any other information which they may hold for instance, Housing Service, Children's Services and Dorset Police. Information received from the Disclosure Barring Service or other agency will be kept in strict confidence while the licensing process takes its course and will be retained no longer than is necessary and in any event, will be destroyed in accordance with the requirements of the Data Protection Act 1998 and in accordance with good practice after the application is determined or any appeal against such determination is decided.

- 1.12 The disclosure of a criminal convictions/fines or cautions or other relevant information relating to an individual's conduct will not necessarily debar an individual from being granted, retaining or renewing a licence. It will depend on whether or not the individual can satisfy the Council that they are a fit and proper person to hold such a licence.
- 1.13 The Council may fail to be satisfied that an individual is a fit and proper person to hold a driver's licence or an operator's licence for any reasonable cause. If an applicant is unable to produce adequate evidence that they are a fit and proper person or if there is reasonable cause to question or doubt the evidence provided, then that could amount to reasonable cause to refuse a licence.
- 1.14 In considering evidence of an individual's good character and fitness to hold a driver's licence or operator's licence, where previous convictions/cautions or other information relating to criminal matters/character is disclosed, the Council will consider the nature of the offence/issue and penalty; when it was committed/took place; the date of conviction/issue and the length of time which has elapsed, the individual's age when the offence was committed/issue took place; whether or not it is part of a pattern of criminal behaviour, the intent, the harm which was, or could have been caused and any other factors which might be relevant. Where an individual has been convicted of a criminal offence, the Council cannot review the merits of the conviction [*Nottingham City Council v. Mohammed Farooq (1998)*].

However, if an individual is acquitted of an offence, the Council are entitled to go behind the acquittal because of the different standard of proof (*R v Maidstone Crown Court Ex Parte Olson 1992*).

- 1.15 The Council has adopted the following guidelines relating to the relevance of convictions to which it refers in determining new/renewal applications for drivers' licences and operators' licences and when considering whether to take any disciplinary action against an existing licence holder.
- 1.16 The guidelines do not deal with every type of offence, and do not prevent the Council from taking into account offences not listed in the guidelines, or any other conduct, which may be relevant to an individual. Regard will be given to all relevant information when deciding to issue or renew a licence or whether any disciplinary action should be taken.
- 1.17 Offences described in the guidelines and similar offences, though differently entitled in any statutory provision, modification or re-enactment, will be taken into account in accordance with the guidelines.
- 1.18 The guidelines are not an attempt to define what is a "fit and proper person". There is no statutory definition of what is a "fit and proper person" but is guidance given in the case of *McCool v Rushcliffe BC 1998*.
- 1.19 Any individual who is refused a driver's licence or has such a licence suspended or revoked on the ground that the Council is not satisfied he/she is a fit and proper person to hold such a licence has a right of appeal to the Magistrates' Court within 21 days of the notice of refusal.
- 1.20 Any individual who is refused an operator's licence has a right of appeal to the Magistrates' Court within 21 days of the notice of refusal.

## **2. General Policy**

- 2.1 Each case will be decided on its own merits. A person with a conviction for a single serious offence or a number of separate offences need not be automatically barred from obtaining a licence, but would normally be expected to:
- a. Remain free of conviction for an appropriate period (which will depend on the nature of the offence); and
  - b. Show adequate evidence that he or she is a fit and proper person;
  - c. Simply remaining free of conviction will not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.

2.2 The Council has a duty to ensure so far as possible that drivers and operators are fit and proper persons to hold licences. One aspect of that is the extent to which previous convictions, including but not limited to convictions for offences against children and young persons, dishonesty, sexual offences, traffic offences, violence and drugs indicate that a person is not a fit and proper person, and would not take advantage of passengers or abuse or assault them.

2.3 In reaching a decision the Council may assess the seriousness of the offence in accordance with the penalty imposed in using the following table:

Sentence length	Rehabilitation period
0-6 Months	3 years
6-30 Months	5 years
30 months to 4 years	7 years
Over 4 years	None

2.3.1 Restorative justice and other criminal disposals are increasingly used by the police as a less formal way of dealing with issues and as an alternative to the criminal disposals tend to be applied in less serious cases or for first time offenders, nevertheless all such disposals will be taken into account when determining if a person is a fit and proper person.

2.3.2 Amongst situations where it may be appropriate to depart from the general policy, for example, may be situations where the offence is an isolated one with mitigating circumstances or where a conviction defaults outside of the policy between the application and determination date. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour, which will be taken into account. In any case which involves certain specified sexual offences, murder or manslaughter a licence will normally be refused.

2.6 The Council through the Licensing Committee will convene to consider any information/representations received that a person is not/no longer a “fit and proper” person, or if a breach of a condition of a licence. If proved they may refuse, or revoke a licence or suspend for any specified period.

- a. Hearing with notice – Where a Committee is to be convened to consider whether or not a person is a “fit and proper” person, notice of the time and date of the meeting will be given in order to allow the person to seek independent legal advice and to attend and be represented at the hearing.
- b. Hearing without notice – Where a sub-committee is convened as a result of sensitive information being received by the Council an assessment will be undertaken

in balancing a person's right to a fair hearing against whether or not it is in the public interest to hold the hearing without notice against the Councils first priority of Public Safety.

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

### **3. Disclosed Convictions General Guide**

#### **Spent Convictions**

- 3.1 The Council will only consider spent convictions if it appears to be relevant for deciding whether the individual is a fit and proper person to hold a licence and that justice cannot be done in the case, except by admitting or requiring evidence relating to that spent conviction. The council will consider the nature of the offence(s), the history or pattern of offending, the lapse of time and whether all the convictions have previously been considered.

#### **Formal/Simple Cautions and Endorsable Fixed Penalties**

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

#### **Multiple Convictions from a Single Incident**

- 3.3 Where an individual has multiple convictions arising from a single incident, the convictions will generally be treated as one conviction for the purposes of these guidelines.
- 3.4 In these circumstances the period for which the individual would normally be expected to show free from conviction will be the longest applicable period calculated by reference to each offence.

### **4. Offence of Dishonesty**

- 4.1 In view of the nature of their work drivers of Hackney Carriage and Private Hire vehicles are expected to be trustworthy.
- 4.2 Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing, Passengers may include especially vulnerable people and children.
- 4.3 It is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare and in other ways.
- 4.4 The widespread practice of delivering unaccompanied property is indicative of the trust that businesses put into drivers.
- 4.5 In certain situations, drivers will know that a property is empty whilst the occupants are away on holiday for a set period of time after taking them to the airport or railway station.
- 4.6 For these reasons a serious view is taken of any convictions involving dishonesty. In general, an applicant with conviction(s) and/or caution(s) for dishonesty, which are less than 5 years old, is unlikely to be considered favourably and are to be referred to the

Licensing Committee for determination.

4.7 In particular, an application will normally be refused where the individual has conviction(s) and/or caution(s) for an offence or similar offences or offences which replace the below offences.

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

## 5. Violence

5.1 Members of the public and in particular, the elderly, infirm and children or vulnerable adults entrust their personal safety to Private Hire and Hackney Carriage drivers whenever they take a journey.

5.2 Passengers often travel alone and are vulnerable to physical attack etc. Users of Private Hire and Hackney Carriage vehicle have a right to expect that drivers are not individuals with a predisposition towards or a propensity for violent behaviour at any level.

## 6. Offences against Other Persons

6.1 As Hackney Carriage and Private Hire vehicle drivers maintain close contact with the public, where the commission of an offence involved loss of life a licence will normally be refused.

6.2 The Council seeks to minimise risks associated with children and young persons and for that reason a more serious view will be taken where offences of violence children under 14 or young persons.

6.3 An application will normally be refused where the individual has a conviction for an offence or similar offence(s), or similar offence(s) which replace the below offences:

- Murder
- Manslaughter
- Manslaughter or culpable homicide while driving

6.4 An application will also normally be refused where the individual has a conviction for an offence or similar offence(s) or similar offence(s) which replace the below offences:

- Malicious wounding or grievous bodily harm (s.20 Offences Against the Person Act 1861) which is racially aggravated (s.29(1)(a) Crime and Disorder Act 1998)
- Actual bodily harm (s.47 Offences Against the Person Act 1861) which is racially



- aggravated (s.29(1)(b) Crime and Disorder Act 1998)
- Grievous bodily harm with intent (s.18 Offences Against the Person Act)
- Grievous bodily harm with intent (s.20 Offences Against the Person Act)
- Robbery
- Possession of firearm
- Riot
- Assault Police
- Common assault with racially aggravated (s.29(1)(c) Crime and Disorder Act 1998)
- Violent disorder
- Resisting arrest

6.5 An application will also normally be refused where the individual has a conviction for an offence or similar offence(s) or similar offence(s) which replace the below offences.

- Racially-aggravated criminal damage (s.30 Crime and Disorder Act 1998)
- Racially-aggravated s.4 Public Order Act 1986 offence (fear of provocation of violence) (s.31(1)(a) Crime and Disorder Act 1998)
- Racially-aggravated s.4A Public Order Act 1986 offence (intentional harassment, alarm or distress (s.31(1)(b) Crime and Disorder Act 1998)
- Racially-aggravated s.2 Protection from Harassment Act 1997 offence (harassment) (s.32(1)(a) Crime and Disorder Act 1998)
- Racially-aggravated s.4 Protection from Harassment Act 1997 offence (putting people in fear of violence) (s.32(1)(b) Crime and Disorder Act 1998)
- Racially-aggravated s5 Public Order Act 1986 offence (harassment, alarm or distress) (s.31(1)(c) Crime and Disorder Act 1998)

6.6 An application will also normally be refused where the individual has a conviction for an offence or similar offence(s) or similar offence(s) which replace the below offences.

- Common assault
- Assault occasioning actual bodily harm (s.47 Offences Against the Person Act)
- Affray
- S5 Public Order Act 1986 offence (harassment, alarm or distress)
- S.4 Public Order Act 1986 offence (fear of provocation of violence)
- S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Harassment- breach of restraining order- on conviction Protection from Harassment Act 1997 s5(5) = s. 5(6)
- Obstruction
- Possession of offensive weapon
- Criminal damage

## 7. Drugs

7.1 An application will normally be refused where the individual has a conviction for an offence related to the supply of drugs and the conviction is less than 5-10 years prior to the date of application.

- 7.2 An offence related to the supply of drugs and the conviction is less than 10 years prior to the date of application will be referred to the Panel for determination. A conviction less than 5 years old will generally be refused.
- 7.3 An application will normally be refused where the individual has more than one conviction for offences related to the possession of drugs.
- 7.4 For convictions for driving whilst unfit through drugs see Section 10 'Drunkenness.'
- 7.5 If any applicant was an addict, then they will normally be required to show evidence of 5 years free from drug taking after detoxification treatment as required by the Council.

## **8. Sexual and Indecency Offences**

- 8.1 Any individual currently on the sex offenders' register would not normally be granted a licence.
- 8.2 Drivers of Hackney Carriage and Private Hire vehicles are often entrusted with care of children and young persons. It is comparatively easy for an unscrupulous driver to take advantage of such vulnerable persons.
- 8.3 Where the commission of a sexual offence involves a child or young person an application for a licence will normally be refused.
- 8.4 The Council will sometimes be made aware of other intelligence or low level information about an individual which has not resulted in the conviction of that person but is relevant in relation to their character. Officers will give appropriate consideration to this information and will seek to consult with other appropriate agencies such as police and social services, in order to ensure that they have a comprehensive understanding. Where appropriate, officers will refer such information/ intelligence to other agencies. Any additional information gathered through this process may then be taken into account at any subsequent licensing committee.

## **9. Offences against persons other than children / young persons**

- 9.1 As Hackney Carriage and Private Hire vehicle drivers often carry unaccompanied passengers, an individual with a conviction for rape, indecent assault, or other similar offences or similar offences under the Sexual Offences Act 2003, will normally be refused a licence.
- 9.2 Individuals with a conviction relating to sexual offences such as soliciting, importuning, indecent exposure or other similar offences or similar offences under the Sexual Offences Act 2003, will normally be referred to the Committee for determination.
- 9.3 Amongst circumstances, which the Council may wish to consider, are circumstances, which if they occurred at the time of the consideration of the application would not now be a criminal offence.

## **10 Drunkenness**

10.1 Driving whilst under the influence of drink is unacceptable under any circumstances and puts not only the driver, but passengers and other road users at risk. Such irresponsible behaviour is not conducive with the responsibilities of a Private Hire or Hackney Carriage driver.

**With a motor vehicle (No Disqualification)**

10.2 A serious view will be taken of convictions of driving or being in charge of a vehicle while under the influence of drink.

10.3 An application will normally be refused where the individual has a conviction, which does not result in disqualification, for an offence within 2 years of the date of the application.

**With a motor vehicle (Disqualification)**

10.4 Where a disqualification has occurred as a result of a drink-driving offence, an application will not normally be considered until at least 5 years have passed from the date of the restoration of the DVLA licence.

**Not in a motor vehicle**

10.5 An isolated conviction for drunkenness need not debar an applicant from gaining a licence. In some cases, a warning may be appropriate.

10.6 In addition, individual will generally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if they were an alcoholic.

10.7 More than one conviction for drunkenness could indicate a medical problem necessitating critical examination and refusal of a licence.

**11. Motoring Convictions**

**Major Traffic Offences**

11.1 New applicants and existing licensed drivers with a conviction for a 'Major Traffic Offence' as defined below, which is less than 5 years prior to the date of the application (the present date in relation to existing licensed drivers) will be referred to the Licensing Committee for determination. A conviction less than 2 years prior to the date of the application will generally be refused.

11.2 Where the conviction resulted in a period of disqualification, an application will normally be refused unless a period of 3 years free from conviction has lapsed from the restoration of the DVLA licence and 5 years where the disqualification relates to driving whilst unfit through drink or drugs  
For the purposes of these guidelines the following motoring offences are classed as 'Major Traffic Offences':

AC10	Failing to stop after an accident
AC20	Failing to give particulars or to report an accident within 24 hours
AC30	Undefined accident offences
BA10	Driving while disqualified by order of Court

BA30	Attempting to drive while disqualified by order of Court
CD40	Causing death through careless driving when unfit through drink
CD50	Causing death through careless driving when unfit through drugs
CD60	Causing death through careless driving with alcohol level above the limit
CD70	Causing death through careless driving then failing to supply a specimen for alcohol analysis
CD71	Causing death through careless driving the failing to supply a specimen for drug analysis
DD10	Causing Serious injury by dangerous driving
DD40	Dangerous driving
DD60	Manslaughter or culpable homicide while driving a vehicle
DD80	Causing death by dangerous driving
DD90	Furious driving
DR10	Driving or attempting to drive with alcohol level above limit
DR20	Driving or attempting to drive while unfit through drink
DR30	Driving or attempting to drive then failing to supply a specimen for
DR31	Driving or attempting to drive when unfit through drugs
DR40	In charge of a vehicle while alcohol level above limit
DR50	In charge of a vehicle while unfit through drink
DR60	Failure to provide specimen for analysis in circumstances other
DR61	Failure to provide specimen for drug analysis in circumstances other than driving / attempting to drive
DR70	Failing to provide specimen for breath test
DR80	Driving or attempting to drive when unfit through drugs
DR90	In charge of a vehicle when unfit through drugs
IN10	Using a vehicle uninsured against third party risks
LC20	Driving otherwise than in accordance with a licence
LC30	Driving after making a false declaration about fitness when applying
LC40	Driving a vehicle having failed to notify a disability
LC50	Driving after a licence has been revoked or refused on medical
MS50	Motor racing on the highway
MS60	Offences not covered by other codes
MS90	Failure to give information as to identity of driver, etc.
UT50	Aggravated taking of a vehicle

### **Aiding, Abetting, Counselling or Procuring**

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

### **Causing or Permitting**

11.4 Offences as coded above, but with 0 changed to 4 (e.g. IN10 becomes IN14).

### **Inciting**

11.5 Offences as coded above, but with 0 changed to 6 (e.g. IN10 becomes IN16). Or similar offences or offences which replace the above offences.

### **Intermediate and Minor Traffic Offences**

11.6 New applicants and existing licensed drivers with a Conviction / Fine / Simple Caution/Fixed Penalty Points for an offence which falls under the headings of 'Minor' or 'Intermediate' Traffic Offences and where the total number of accumulated points on their drivers licence is less than 12 or does not result in a period of disqualification, can have their applications granted without the application being referred to the Committee.

11.7 An applicant with a disqualification owing to the totting up system or in relation to an offence under these two group headings for any period of disqualification, will not normally be granted a licence unless they have held a DVLA licence for at least 12 months following the expiry of the period of the disqualification.

11.8 Existing drivers disqualified for incurring 12 or more penalty points within a three year period, will be required to complete a driver competency assessment on expiry of the disqualification before they are allowed to drive a public carriage. If the driver is not disqualified their Public Carriage Licence will be suspended until a driver competency assessment has been completed.

For the purposes of these guidelines the following motoring offences are classed as 'Intermediate Traffic Offences':

CU10	Using vehicle with defective brakes
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
CU30	Using a vehicle with defective tyres
CU40	Using a vehicle with defective steering
CU50	Causing or likely to cause danger by reason of load or passengers
CU80	Breach of requirements as to control of the vehicle mobile phones
CD10	Driving without due care and attention
CD20	Driving without reasonable consideration for other road users
CD30	Driving without due care and attention or without reasonable consideration of other road users
SP10	Exceeding goods vehicle speed limit

SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
SP30	Exceeding statutory speed limit on a public road – not resulting in a fixed penalty
SP40	Exceeding passenger vehicle speed limit
SP50	Exceeding speed limit on a motorway
SP60	Exceeding speed limit offence

### **Aiding, Abetting, Counselling or Procuring**

11.9 Offences as coded above, but with 0 changed to 2 (e.g. CU10 becomes CU12).

### **Causing or Permitting**

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

### **Inciting**

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

For the purposes of these guidelines the following motoring offences are classed as 'Minor Traffic Offences':

MS10	Leaving a vehicle in a dangerous position
MS20	Unlawful pillion riding
MS30	Play street offences
MS70	Driving with uncorrected defective eyesight
MS80	Refusing to submit to an eyesight test
MW10	Contravention of Special Road Regulations (excluding speed limits)
PC10	Undefined contravention of Pedestrian Crossing Regulations
PC20	Contravention of Pedestrian Crossing Regulations with moving
PC30	Contravention of Pedestrian Crossing Regulations with stationary
SP30	Exceeding statutory speed limit on a public road resulting in a fixed
TS10	Failing to comply with traffic light signals
TS20	Failing to comply with double white lines
TS30	Failing to comply with a "Stop" sign
TS40	Failing to comply with direction of a constable or traffic warden
TS50	Failing to comply with traffic sign (excluding "Stop" sign, traffic lights or double white lines)
TS60	Failing to comply with school crossing patrol sign
TS70	Undefined failure to comply with a traffic direction sign

### **Aiding, abetting, counselling or procuring**

11.12 Offences as coded above, but with 0 changed to 2 (e.g. PC10 becomes PC12).

### **Causing or permitting**

11.13 Offences as coded above, but with 0 changed to 4 (e.g. PC10 becomes PC14).

### **Inciting**

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

## **12. Plying for Hire**

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

12.2 One of the main purposes of the licensing regime set out in the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 (“the Acts”) and Hackney Carriage Byelaws, is to ensure the protection of the public.

12.3 For this reason, a serious view is taken of convictions for offences under the Acts (including illegally plying for hire and/or touting) when deciding whether an individual is to be treated as a fit and proper person to hold a licence.

12.4 In particular, an individual will normally be refused a licence if (s)he has been convicted of an offence under the Acts at any time during the 2 years preceding the application or has more than one conviction within the last 5 years preceding the date of the application.

12.5 In the case of a Private Hire driver found guilty of an offence of plying for hire, the driver would be asked to appear before the Licensing Committee to show why they believe they are still a fit and proper person to hold a public carriage drivers licence. The Committee will consider will whether any further disciplinary action should be taken.

## **13. Breach of Conditions, and complaints**

13.1 This guidance is not intended to cover every possible circumstance and there is an expectation that licensees will comply with all relevant legislation.

13.2 The Licensing Authority will act with proportionality and consistency. Disciplinary action taken under this policy is without prejudice to the Licensing Authorities right to institute legal proceedings, where a criminal offence has been committed.

### **Examples of licensing breaches or conduct likely to receive a written caution**

13.3 Cautioning may be appropriate for single breaches, where the offender has not received any written caution or other disciplinary action for the same or similar breach within the last 12 months:

### **General**

- Persistent failure to comply with Road Traffic legislation.
- Failure to behave in a civil and orderly manner to customer and/or other road users.
- Refusal to carry passengers without reasonable excuse/ refusing to wait.
- Failure to convey or assist with carrying of luggage.
- Driving in a manner likely to cause alarm to passengers/ road users.
- Failure to display tariff or fares or to conceal same.
- Vehicle not cleaned or well maintained.
- Failure to wear/display driver badge.
- Failure to deliver lost property to Town Hall.

### **Vehicle defects**

- Failure to display vehicle licence plate/licence disc internally/ other signage.
- Failure to report accident within 72 hours.
- Failure to produce insurance documents at request of authorised officer within 5 days.
- Failure to produce interim MOT.
- Unauthorised signs /window stickers/ adverts.
- Failure to notify transfer of vehicle licence—or change of vehicle.
- Defective taxi meter/ printer.
- Defective taxi top light.
- Unattended Hackney Carriage vehicle on rank.
- Failure to attend mechanical inspection.
- Late cancellation of mechanical inspection—give less than 24 hours' notice.
- Defective lights, horn, indicators, exhaust system, tyres, brakes.

### **Operator breaches**

- Premises unclean—not fit for use.
- Failure to keep proper records of bookings of complaints.
- Failure to keep current driver/ vehicle licence details.

13.4 In all cases the caution will be in writing and stipulate a timescale for the matter to be corrected, if appropriate. If the matter is not corrected within the timescale stipulated, or there is a repetition, further disciplinary action may follow.

13.5 The Licensing Team Manager or another manager at principal officer level or higher, has authority to approve and issue letters of caution.

### **Examples of licensing breaches or conduct likely to receive suspension for a defined period, or revocation of licence:**

- Any of the contraventions listed in the 'caution' section above, in these or similar circumstances:
- where the offender has received a written caution or other disciplinary action for the same or a similar breach within the last 12 months; or
- where the offender did not correct a matter as required by a written caution; or where several breaches have been committed together; or where the matter is considered too serious for a caution to be appropriate.
- Permitting no insurance, or insurance that is invalid to cover public carriage use



- Permitting unauthorised/ unlicensed drivers.
- Using or permitting use of unlicensed /unauthorised vehicle.
- Falsifying or making untrue representations in Licence applications or other council licensing documentation.
- Obstruction of an authorised officer of the Council or of a Police Officer in the course of their duty.
- The commission of a criminal offence, or engagement in an activity of a type that brings suitability as a licensee into question.
- Causing injury to passengers, members of the public or other road users by negligence or intent.

13.6 The action taken will be proportionate and take into account all the circumstances including previous suspensions and cautions. Decisions will be determined by a review of available facts at the time the decision is taken.

#### **14. Authority to suspend or revoke.**

##### **Suspension/Revocation with immediate effect:**

14.1 A licence can be suspended or revoked immediately in the interests of public safety under the provisions of section 61(2B) of the Local Government (Miscellaneous Provisions) 1976. If the Council is advised of such conduct, a decision may be taken in consultation between officers and at least three members of the Licensing Committee. In such cases efforts, will be made to contact the driver to advise of the situation and establish if there is any other information that may be relevant and should be considered before any decision is made.

##### **Suspension/Revocation/Caution following Licensing Committee hearing:**

14.2 Where a decision does not need to be considered immediately, it will be considered at a formal hearing of the Licensing Committee where the alleged offender (and any witnesses) will be afforded the opportunity to hear the evidence and present their case.

14.3 Following a hearing members may direct that letters of caution be issued, suspend a licence for specified periods of time, or revoke a licence. Other conditions or stipulations may be attached to the decision as Members see fit.

##### **Appeals against decisions taken**

14.4 Decision to caution by manager—register a complaint in writing to the Head of Community Safety .

14.5 Decision to caution by Members—no appeal possible.

14.6 Decision to suspend or revoke licence— relevant information regarding statutory right of appeal to the Magistrates Court, will be provided in a written notification of the Council's decision.

## **15. Reapplication**

- 15.1 Where an applicant has previously had a licence revoked by the Council the Authority will not, save in exceptional circumstances, consider any further application from the applicant for a period of three years from the date of the Authority's decision or, if that decision was appealed against and the appeal was dismissed, abandoned, or otherwise failed, from the date of the dismissal, abandonment or other failure of the appeal, whichever is the later.

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