

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

**(including Licence Conditions)**

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## **1. INTRODUCTION**

1.1 The purpose of licensing of the Hackney Carriage and Private Hire Vehicle ('PVH') trades is to protect the public. Epping Forest District Council ('the Council') is also aware that the public should have access to Hackney Carriages and PVH because of the part they play in local transport provision and the economy of the District.

1.2 In preparation of this policy the Council has had regard to:

- The Department of Transport Best Practice Guide, and
- Existing legislation
- The Provision of Services Regulations 2009 ,to ensure requirements are:
  - (i) non-discriminatory;
  - (ii) justified by an overriding reason relating to the public interest;
  - (iii) proportionate to that public interest objective;
  - (iv) clear and unambiguous;
  - (v) objective;
  - (vi) made public in advance, and
  - (vii) transparent and accessible

## **2. CONSULTATION**

2.1 The Council is keen to hear the views of persons who may be affected by this policy and has identified people and organisations who they consider may be interested in commenting on this policy before finalising and publishing this policy statement. The list of persons this authority consulted is attached as appendix 1 to this statement.

2.2 The policy was approved at a meeting of the Full Council on ?????. are available in the Civic Offices and on the website.

2.3 Should you have any comments as regards this policy statement please send them via e-mail or letter to the following contact:

Name: Senior Licensing Officer  
Address: Civic Offices, High Street, Epping, Essex CM16 4BZ  
E-mail: Licensing@eppingforestdc.gov.uk

2.4 It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements.

## **3. LICENSING OBJECTIVES**

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

- To ensure that safe, comfortable, reliable and accessible hackney carriage and private hire vehicles are available for all who require them

- To ensure that all licensed drivers and private hire operators are fit and proper persons
- To provide clarity for licensees with respect to the Council's requirements and the decision making process
- To promote a professional and respected hackney carriage and private hire trade

3.2 These objectives will be taken into account by the Council when making decisions.

#### **4. DECISION MAKING IN RESPECT OF APPLICATIONS**

4.1 The decision making powers of the Council may be carried out either by the Licensing sub-committee or by one or more officers acting under delegated authority. An indication of which applications will be heard by the sub-committee is shown in Appendix 4. The Council will in deciding these cases give priority to the safety of the public and their property.

4.2 When making a decision in respect of an application for a licence to drive a hackney carriage and/or a private hire vehicle or to operate a private hire vehicle the Council will take account of its Criminal Records Policy set out in Appendix 8.

4.3 It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements.

#### **5. HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE LICENCES**

##### **Legislative background**

5.1 Section 47(2) of the Town Police Clauses Act 1847 permits a District Council to require that a hackney carriage licensed by them under the Act of 1847 to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage.

Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 states that the Council shall grant a private hire vehicle licence provided the Council is satisfied that the vehicle is

- Suitable in type, size and design for the use of a Private Hire Vehicle;
- Not of such a design and appearance as to lead any person to believe that the vehicle is a Hackney Carriage;
- In a suitable mechanical condition;
- Safe; and
- Comfortable;

- That there is in force in relation to the use of the vehicle a policy of insurance that complies with the Road Traffic Act 1988.

### **Licence Conditions**

5.2 The conditions of the Hackney Carriage Proprietors licence is attached as appendix 2 and the Private Hire Vehicle licence as appendix 3. If there is a breach of these licence conditions the matter may be referred to the Council's Licensing sub-committee for consideration or in the case of a serious or urgent breach the appropriate officers have delegated authority to decide whether to suspend or revoke a licence.

### **Vehicle Testing**

5.3 Prior to the grant of a new vehicle licence the vehicle must have been tested by the Council's authorised testing station.

### **Age Limits**

5.4 Vehicles under the age of five years then will require six monthly testing at the Council's authorised testing station, whereas those over five years must be tested quarterly.

5.5 Failure to have interim tests carried out in accordance with this policy is likely to result in the suspension of the licence and repeated offenders may be prosecuted in the magistrates court

### **Vehicle Identification**

5.6 The requirement for roof and other signs are specified in the licensing conditions.

### **Insurance**

5.7 The Council requires proof that the vehicle is insured prior to the issue of a new licence or on renewal and may require the Proprietor to provide it with details of insurance at any time whilst there is a current licence.

### **Duration**

5.8 Licences for vehicles can be granted by the Authority for up to one year.

### **Executive Status – For Private Hire Vehicles only**

5.9 The Authority has a duty of care to ensure that all residents, professional clients and general customers travelling in private hire vehicles are safe and secure at all times and that private hire vehicles are readily recognisable as such. To that end the Council's standard conditions require the display of private hire licence plates and door stickers, and forbid the use of tinted windows.

5.10 The Council is prepared to recognise a class of Executive Status vehicles which will be exempt from these requirements. For such vehicles, more discreet executive plates will be permitted.

5.11 The vehicle must be a high quality, executive or prestigious vehicle and must be in a pristine condition with no visible defects, dents or blemishes to the external bodywork or internal trim or seating.

5.12 The applicant must satisfy the Council that they intend to operate the vehicle for work of an executive or corporate nature and that they are required not to display plates. Two letters of reference not more than one month old are required when making the application and on each renewal of the licence.

## **6. TAXI FARES**

6.1 All hackney carriage vehicles shall be fitted with a taximeter installed by an authorised taximeter company prior to the grant of the licence.

6.2 If a hackney carriage is used under a contract for private hire, the driver cannot charge more than the fixed rate in the authorised fare table. As a result the driver must have the meter running at the correct tariff whenever they have passengers in the vehicle. The produced tariffs are for maximum fares and drivers have the discretion to charge less than the displayed price.

## **7. DRIVERS**

### **Legislative background**

7.1 Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 require that “a district council shall not grant a driver’s licence to drive a private hire vehicle or hackney carriage unless they are satisfied that an applicant is a fit and proper person”

### **Council’s requirements**

7.2 Prior to issuing a new licence the Council requires:

- A Medical Certificate;
- A search made at the Disclosure and Barring Service and/or a certificate of good conduct provided from the relevant embassy of an applicant from overseas;
- The applicant must have passed the Council’s Knowledge Test;
- For those not holding an EU passport, evidence will need to be provided of the applicant’s right to work in the United Kingdom which will include a relevant VISA or letter from the appropriate Embassy/Authority.

Further guidance and application forms are on the Council’s website.

### **Driving Experience**

7.3 The Council requires that an applicant must have passed his or her driving test at least three years prior to the application. This is to ensure that the driver has the necessary skills and experience to be a licensed driver.

7.4 If an applicant considers that an exception should be made then the sub-committee will consider the application taking account of the driving history of the applicant, whether the applicant has been employed as a driver, the type of work to be undertaken and any other matter which the applicant considers relevant to demonstrate his or her experience.

## **Duration**

7.5 The Council usually issues a licence for a period of one year.

## **Renewals**

7.6 When an application is made to renew the Council will require:

- a new search made at the Disclosure and Barring Service and/or a certificate of good conduct provided from the relevant embassy of an applicant from overseas;
- a current doctor's certificate every five years for applicants of 45 years and over and every year at renewal for those applicants of 65 years and over;
- a copy of the driver's current driving licence;
- For those not holding an EU passport, evidence will need to be provided of the applicants right to work in the United Kingdom which will include a relevant VISA or letter from the appropriate Embassy/Authority.

Further guidance and application forms are on the Council's website.

7.7 Serious or frequent complaints about a driver will be taken into account when considering any renewal of a driver's licence.

## **8. PHV OPERATORS**

### **Legislative Background**

8.1 Section 55 of the Local Government (Miscellaneous) Provisions Act 1976 states that the Council shall grant a private hire operator licence provided the Council is satisfied that the applicant is a fit and proper person to hold such a licence.

### **Application**

8.2. In order for an operator to prove that they are fit and proper they must provide evidence of:

- a new search made at the Disclosure and Barring Service and/or a certificate of good conduct provided from the relevant embassy of an applicant from overseas;
- references

8.3 Proof of Public Liability Insurance must also be provided.

### **Insurance**

8.4 The Council may require the Proprietor to provide it with details of public liability insurance at any time whilst there is a current licence.

### **Premises**

8.5 In order to ensure that accurate regulation and realistic enforcement is undertaken by the Council, a licence shall not be granted to any applicant whose operating centre or

intended operating centre is outside of Epping Forest district unless that applicant is renewing a licence which was previously granted by the Council at a time when their operating centre was located outside the district. A landline telephone number will be required to which bookings can be made. Only telephone numbers which have been approved in writing by the Council can be used for the acceptance of bookings

## **9. LICENSING CONDITIONS**

9.1 All Hackney Carriage Vehicle licences will be issued subject to the conditions specified in Schedule 5, those for Private Hire Vehicle Drivers licences those set out in Schedule 6 and those for Private hire Vehicle Operators in Schedule 7.

9.2 The Council will take into account any failure to comply with these conditions when deciding whether a licence should be revoked, suspended or renewed.

## **10. ENFORCEMENT**

10.1 Officers from the Licensing Service and Environment and Street Scene will aim to undertake enforcement fairly, providing advice where appropriate to ensure that drivers and proprietors fully understand the relevant legislation and conditions. Enforcement may be carried out in conjunction with other authorised bodies such as VOSA and police officers

10.2 Any enforcement action carried out will be proportionate and reasonable and will aim to treat all licensees fairly and consistently. Complaints received and warnings issued in relation to existing drivers and operators will generally be held on file and taken into consideration for a period of three years from receipt, although where a further warning is issued or complaint received during this period, the original warning / complaint will be kept on file from the date of the most recent warning.



## APPENDIX 1

### LIST OF CONSULTEES

<b>Association of Licensed Retailers</b>	Paul Keska
	John Knapman
	Yolonda Knight
<b>Solicitors</b>	Jeane Lea
Attwater & Liell Solicitors	Lance Leonard
Berwin Leighton Paisner Solicitors	Alan Lion
Curwens Solicitors	Harvey Mann
Foskett Marr Gadsby & Head	John Markham
Whiskers LLP	Maggie Mcewen
Hammonds solicitors	Ann Mitchell
Jarmans Solicitors	Gagan Mohindra
	Richard Morgan
<b>British Transport Police</b>	Stephen Murray
	John Philip
<b>Breweries</b>	Caroline Pond
Mitchells & Butlers	Brian Rolfe
McMullen & Sons	Brian Sandler
Star pubs & bars (was scottish & newcastle retail)	Mary Sartin
Greene King	Glynis Shiell
Spirit group brewery	Penny Smith
	Peter Spencer
<b>Citizens Advice Bureau</b>	David Stallan
	Syd Stavrou
<b>Campaign for the protection of rural England</b>	Tracey Thomas
<b>Council for Voluntary Services</b>	Haluk Ulkun
	Gary Waller
<b>East Herts District Council (Licensing)</b>	Lesley Wagland
	Sylvia Watson
<b>EFDC Councillors</b>	Antony Watts
Kenneth Angold-Stephens	Elizabeth Webster
Ken Avey	Chris Whitbread
Richard Bassett	Janet H Whitehouse
Anthony Boyce	Jon Whitehouse
Heather Brady	David Wixley
Will Breare-Hall	Neville Wright
Gavin Chambers	John Wyatt
Kewal Chana	
Tony Church	<b>Chief Exec/Deputy</b>
Tessa Cochrane	Glen Chipp
Richard Cohen	Derek MacNab
Colin Finn	
Ricki Gadsby	<b>EDFC Senior Officers</b>
Leon Girling	<u>Mike Tipping</u>
Peter Gode	<u>Nigel Richardson</u>
Anne Grigg	<u>John Preston</u>
James Hart	<u>Kassandra Polyzoides</u>
Derek Jacobs	<u>Paul Pledger</u>
Sue Jones	<u>Bob Palmer</u>
Helen Kane	

<u>Coleen O'Boyle</u>	
<u>Jim Nolan</u>	Parish Councils
<u>David Newton</u>	Abbess, Beauchamp and Berners Roding
<u>Alison Mitchell</u>	Willingale - Mr E Fenwick
<u>Paula Maginnis</u>	Theydon Mount - Anne Brewitt
<u>Peter Maddock</u>	Theydon Garnon - Mrs D Corsi
<u>Laura MacNeill</u>	Theydon Bois - Sally Crone
<u>Graham Lunnun</u>	Stapleford Tawney - Wendy Heard
<u>John Kershaw</u>	Stapleford Abbots - Mr Jeffrey Blatt
<u>Alan Hall</u>	Stanford Rivers - Mrs K Hayden
<u>John Gilbert</u>	Sheering - Mr D Harris
<u>Qasim Durrani</u>	Roydon - Mrs J Ballard
<u>Mike Chapman</u>	North Weald - Clerk
<u>Janet Twinn</u>	Nazeing - Mr B Blunden
<u>Roger Wilson</u>	Moreton, Bobbingworth & Lavers - L. Peters
<u>Julie Chandler</u>	Matching - Mr Ernie Fenwick
	Lambourne - Mrs R Spiller
MP'S	High Ongar - Deborah Tonkiss
MP- Eric Pickles	Fyfield - Louise Vandermark
MP- Elanor Laing	Epping Upland - Mrs V Evans
MP - Robert Halfon	Chigwell - Kay Canning
	Buckhurst Hill - Clerk
Equity	
Environment Agency	Princess Alexandra NHS Trust
Epping Forest Conservators	Rural Community Council of Essex
Epping Forest PCT	Transport and General Works Union
Essex Ambulance NHS Trust	
Essex County Council	Town Centre Partnerships
	Loughton High Road - Doreen Corsi
Essex Police Service	- Peter Sheen
Essex Probation Service	Buckhurst Hill - Peter Angel
(West Essex Local Delivery Unit)	Epping - Barbara Ford
	- Barry Seager
	Loughton Broadway - Dave Stannard
Essex Tourist Bodies	Ongar Town Forum - Martyn Pattie
General Municipal & Boilermakers union	Waltham Abbey - Norma Green
Health & Safety Exec Essex	
Lea Valley Park Authority	Union of Shop Distributive and Allied workers
HM Revenues and Customs	Unison
Local Chambers of Commerce	Licensed Victuallers Association
Local Council Liaison Committee	Disabled Coalition Group
Local Round Table	Transport and general workers union
Loughton Residents Association	Whipps Cross NHS Trust
LUL Transport for London	
Musicians Union	Other Responsible Authorities
Harlow Magistrates Court	Epping police station - Peter Jones
	Pollution & Public health – Richard Gardiner
Town Councils	Public Health - Steven Harcher
Loughton - Mrs Enid Walsh -	Head of Child Protection ECC
Ongar - Aimi Middlehurst	Health and safety executive
Waltham Abbey - Kathryn Richmond	Trading Standards
Epping - Ash Tadjrishi	Essex Fire and Rescue

Planning - David Baker	All Saints & St Giles Church
Environment Agency	Loughton Synagogue
Licensing Administration, public health NHS	Theydon Bois Baptist Church
Consumers association	Epping Green Chapel
Stephen Carpenter- Mc Donalds	Epping District Team Ministry
	Epping Methodist Church
Epping Voluntary Action	St. Paul's Church
	St. Johns Church
City of London	Waltham Abbey, Holy Cross and St Lawrence
West Essex PCT	St Thomas Upshire
	All Saints
Churches	Federation of Synagogues
St Stephen's Church	Chigwell & Hainault Synagogue
St. Thomas More & St Edward Catholic Church	Kingdom Hall Of Jehovah's Witnesses
Church of the Immaculate Conception RC	St Martin's Chipping Ongar & St Peter's Shelley
Church Of The Assumption	Greensted Church
St. Michael's Church	St Martins C Of E Church
Epping Forest Youth for Christ	St Helens Catholic Church
St. Nicholas Church	The Parish Church of Saint Margaret
St. Thomas More Church	Arriva Bus Company
Trinity Church	
Restore Community Church	Taxi Operators
St. John's Church	Ongar Cars
St. Edmund's Church	Sadlers Taxi's
St. Mary's Church	Bassett Cars
Loughton Baptist Church	VIP Cars
Holy Trinity Church	Abbey Cars
St John the Baptist Church, Epping	Elite cars
St Elizabeth Church, Buckhurst Hill	Chigwell Cars
St. Winifreds Church of England	Lawlor Cars Services
St. Mary's Church Chigwell	Mayflower Cars
Restore Community Church	Sadlers Taxi
The Salvation Army	Advance Cars
Lea Valley Church A.O.G	Olympic Taxis
Life Church Epping - Pastor Lee Carmichael	
Epping Forest Community Church	All Licensed Premises
Chigwell & Hainault Synagogue	
St Mary's Church	Epping Forest Safety Strategy Panel
Waltham Abbey Church	
St Mary the virgin	Local Strategic Partnership
Holy Innocents	
St Michael and All Angels	
All Saints Church	
Epping Elim Church	
Buckhurst Hill Baptist Church	
St James' Church	
Fyfield Benefice Essex	
St. James United Reformed Church	
St. Mary the Virgin	
St. Peters Church	
The Forest Hill Evangelical Church	
St. Helens Catholic Church	

## **APPENDIX 2**

### **HACKNEY CARRIAGE VEHICLE LICENCE**

#### **CONDITIONS OF LICENCE**

Epping Forest District Council is the licensing authority in respect of Hackney Carriages. The Council considers that the following conditions are reasonably necessary for the regulation of hackney carriages in its district. These conditions may be amended or varied by the Council at any time.

The proprietor of the vehicle must ensure that the vehicle complies with the following conditions at all times:

#### **VEHICLE LICENCE**

##### **Term of Licence**

1. A Hackney Carriage Vehicle Licence shall be renewed annually unless the Council has agreed a shorter term.

##### **Signs**

2. A plate, bearing the number of the licence and the number of passengers for which the vehicle is licensed, shall be displayed in a vertical position, and fixed firmly to the outside of the vehicle close to the rear number plate. The vehicle shall not be used to convey a greater number of passengers than shown on the plate and licence. The plate must be returned to the Council on termination of the licence.

3. Window signs, as supplied by the Council, shall be displayed on each passenger window of the vehicle.

4. The licence holder shall not, and must ensure that the driver does not conceal from public view or deface the Hackney Carriage plate. The plate must be kept clean.

5. A Hackney Carriage shall display a roof sign which shall be illuminated, and showing to the front and rear the word "TAXI", except when the vehicle is under hire.

6. The trade name, address and telephone number may be displayed on the doors of the vehicle and/or on a maximum three inches depth advertisement panel in the rear window in a position not restricting rearward vision.

7. Only licensing plates issued by Epping Forest District Council shall be displayed on the vehicle

## **Vehicle Specification**

7. All vehicles shall be in satisfactory mechanical order and body condition and in operational order in every respect. Vehicles shall have:

- (a) A minimum of four doors, each adjacent to a seat and capable of being opened from the inside of the vehicle. All vehicle doors must be either front hinged or sliding.
- (b) The centralised locking system should not be applied when carrying adult passengers.
- (c) Seats with a minimum width of not less than 43cm per person.
- (d) Accommodation for not less than four passengers.
- (e) Be capable of carrying a wheelchair in a reasonable manner.
- (f) The vehicle shall have minimum headroom of five feet.
- (g) An adequate heating system for the passengers.
- (h) Internal panelling or trimmed with such materials as would be suitable for passenger comfort and sound insulation.
- (i) A serviceable spare tyre, jacking equipment and wheel brace. Where a vehicle is manufactured not to carry a spare wheel then subject to the vehicle being fitted with suitable run flat tyres or it carries a manufacturer's approved temporary repair kit then the requirement for a spare wheel to be carried shall not apply.
- (j) Adequate luggage facilities and either have a separate luggage compartment or a fixed screen (of sufficient construction to protect passengers from injury from items in the luggage compartment) between the rear seat and the luggage compartment which shall be kept in position at all times. This condition shall not apply to people carriers or multi purposes vehicles.
- (k) Be equipped with fully functional nearside and offside exterior rear view mirrors.
- (l) The vehicle should not be driven unless the driver's badge is clearly displayed.

## **Vehicle Inspections**

8. The proprietor shall submit the vehicle for inspection on first application for a licence and for every renewal.

9. If the vehicle is less than five years old the proprietor of a Hackney Carriage vehicle shall submit the vehicle for mechanical and/or such other inspection six months after the date when the licence is issued at premises that are approved by the Council.

10. If the vehicle is over five years old at four monthly intervals.

11. The Council may require a vehicle to be inspected at any other time.

12. The interim inspection reports must be submitted when renewing the vehicle licence.

## **Accidents**

13. Without prejudice to any statutory duty imposed under the Road Traffic Acts, the proprietor of a Hackney Carriage shall report to the Council as soon as reasonably practicable, and in any case within seventy two hours of the occurrence of any accident causing damage which materially affects the safety, performance or appearance of the vehicle, or the comfort or convenience of persons carried in the vehicle. The licence holder must present the vehicle for inspection immediately if required by the Council. In the event that the vehicle fails an examination for serious body damage or mechanical defects it shall be subject to prohibition by written notice for use as a Hackney Carriage, until such time as the defect has been corrected to the satisfaction of the Council.

## **Advertising**

14. Third party advertising is permitted on the doors and internally on the back of the seat headrests subject to the Council retaining the right to request removal of any particular advertisement that is considered offensive, harmful to health or considered unsuitable.

## **Condition of the Vehicle**

15. The inside and outside of a Hackney Carriage vehicle shall be kept clean and free from damage, well maintained and in every way fit for public service.

## **Safety Equipment.**

16. A Fire Extinguisher conforming to BS EN3 shall be carried and be readily available for use.

## **Taximeter**

After (Date to be decided)

17. The vehicle shall be fitted with a taximeter visibly recording the passenger fare payable in conformity with such table of fares as may from time to time be approved by the Council or (where lower) the table of fares charged by the driver.

18. The position of the taximeter shall be agreed by the Council's inspecting officer and shall be maintained at all times so that the fare displayed can readily be seen by passengers.

19. The taximeter shall be tested for accuracy on initial application and following any changes to the table of fares or as required.

## **Convictions**

20. The Proprietor shall notify the Senior Licensing Officer in writing of any conviction or police caution recorded against him or if the Proprietor is a company against any of its directors during the period of the licence within seven days of such conviction or caution.

## **Change of Address**

21. The proprietor shall notify the Senior Licensing Officer in writing of any change of address during the licensing period within seven days of such change taking place.

**Failure to comply with any of the conditions will result in a referral to Licensing Sub Committee for consideration of suspension or revocation of licence.**

**NOTE: Knowledge of these conditions will form part of the Knowledge Test**

## APPENDIX 3

### PRIVATE HIRE VEHICLE LICENCE CONDITIONS

Epping Forest District Council is the licensing authority in respect of Private Hire Vehicles. The following conditions which it considers are reasonably necessary for the regulation of Private Hire Vehicles in its district will apply to all licences. These conditions may be amended or varied by the Council at any time.

The Proprietor of the Vehicle must ensure that the vehicle complies with the following conditions at all times.

### VEHICLE LICENCE

#### Term of Licence

1. A Private Hire Vehicle licence shall be renewed annually unless the Council has agreed a shorter term.

#### Signs

2. A plate, bearing the number of the licence and the number of passengers for which the vehicle is licensed, shall be displayed in a vertical position, and fixed firmly to the outside of the vehicle close to the rear number plate. The vehicle shall not be used to convey a greater number of passengers than shown on the plate and licence. The plate must be returned on the termination of the licence.

3. Window signs, as supplied by the Council, shall be displayed on each passenger window of the vehicle.

4. A licence holder shall not, and must ensure that the driver does not conceal from public view or deface the Private Hire Vehicle plate. The plate must be kept clean.

5. The trade name, address and telephone number of the operator may be displayed on the doors of the vehicle and/or on a maximum three inches depth advertisement panel in the rear window in a position not restricting rearward vision.

6. There shall be **no** display of roof signs of any description or the display of the word "TAXI" or "CAB" whether in the singular or plural and whether alone or part of another word nor the word "FOR HIRE" in any form of wording which in any way suggests that the vehicle on which it is displayed is presently available to take up passengers wishing to hire it or would be available if not already hired.

7. Only Licensing Plates issued by Epping Forest District Council shall be displayed on the vehicle

#### Vehicle Specification

7. All vehicles shall be in satisfactory mechanical order and body condition and in operational order in every respect. Vehicles shall have:



- (a) A minimum of four doors, each adjacent to a seat and capable of being opened from the inside of the vehicle. All vehicle doors must be either front hinged or sliding.
- (b) Centralised locking of the doors should not be applied when carrying adult passengers.
- (c) Seats with a minimum width of not less than 43cm per person.
- (d) Accommodation for not less than four passengers.
- (e) Be capable of carrying a wheelchair in a reasonable manner.
- (f) The vehicle shall have a minimum headroom of five feet.
- (g) An adequate heating system for the passengers.
- (h) Internal panelling or trimmed with such materials as would be suitable for passenger comfort and sound insulation.
- (i) A serviceable spare tyre or run flat type of tyre, jacking equipment and wheel brace.
- (j) Adequate luggage facilities and either have a separate luggage compartment or a fixed screen (of sufficient construction to protect passengers from injury from items in the luggage compartment) between the rear seat and the luggage compartment shall be kept in position at all times. This condition shall not apply to people carriers or multi-purpose vehicles.
- (k) Be equipped with fully functional nearside and offside exterior rear view mirrors.
- (l) Vehicles should not be driven unless the Driver's Badge is clearly displayed.

### **Vehicle Inspections**

8. The licence holder shall submit their vehicle for inspection on first application and on every renewal.
9. If the vehicle is less than five years old the driver of a Private Hire Vehicle shall submit the vehicle for mechanical and/or such other inspection six months after the date that the licence is issued at premises that are approved by the Council.
10. If the vehicle is over five years old it must be submitted for inspection at six monthly intervals.
11. The Council may require a vehicle to be inspected at any other time.
12. The interim inspection reports must be submitted when renewing the vehicle licence.

### **Accidents**

13. Without prejudice to any statutory duty imposed under the Road Traffic Acts, the proprietor of a Private Hire Vehicle shall report to the Council as soon as reasonably practicable, and in any case within seventy two hours of the occurrence of any accident causing damage which materially affects the safety, performance or appearance of the vehicle, or the comfort or convenience of persons carried in the vehicle. The licence holder must present the vehicle for inspection immediately if required by the Council. In the event

that the vehicle fails an examination for serious body damage or mechanical defects it shall be subject to prohibition by written notice for use as a Private Hire Vehicle, until such time as the defect has been corrected to the satisfaction of the Council.

### **Advertising**

14. Third party advertising is permitted on the doors and internally on the back of the seat headrests subject to the Council retaining the right to request removal of any particular advertisement that is considered to be offensive, harmful to health or considered unsuitable.

### **Condition of the Vehicle**

15. The inside and outside of a Private Hire Vehicle shall be kept clean and free from damage, well maintained and in every way fit for public service.

### **Safety Equipment.**

16. A Non Halon Fire Extinguisher conforming to BS EN3 shall be carried and be readily available for use.

### **Change of Address**

17. The proprietor shall notify the Senior Licensing Officer in writing of any change of address during the licensing period within seven days of such change taking place.

### **Convictions**

18. The Proprietor must inform the Senior Licensing Officer in writing of any convictions or police caution recorded against him, or if the Proprietor is a company against any of its directors during the period of the licence within seven days of such conviction or caution.

**Failure to comply with any of the conditions will result in a referral to the appropriate officer of the Council or to the Licensing Sub Committee for consideration of suspension or revocation of licence.**

## APPENDIX 4

### Exceptions to delegations to decide Driver's licences

In the following circumstances application for a Hackney Carriage or Private Hire Driver's Licence will be decided by the Licensing Sub-Committee:

1. If the application is contested
2. Where there are breaches of condition or related law in the preceding 12 months
3. An applicant fails to comply with the Council's licensing procedure, pass the Knowledge Test, or meet the age, experience, or medical fitness requirements
4. Where in the opinion of the Council's medical adviser (or a doctor nominated by him) an applicant is not medically fit to hold a licence to drive a Hackney Carriage or Private Hire Vehicle.
5. An applicant for a driver's licence has a criminal conviction relating to the following:
  - Any unspent conviction for theft or similar offence, or
  - A conviction for violence against the person,, or
  - Any unspent drug related offence, or
  - An offence relating to indecency or sexual offence, or
  - Any unspent conviction for drunkenness
6. An applicant has motoring convictions contained in the list below:
  - Disqualification for driving by a court for any reason within the preceding five years, or
  - An accumulation of 10 or more penalty points from endorsable motoring offences in the last five years, or
  - Any motoring offences that the Authority considers the sub-committee should consider.
7. Where the Director of Corporate Support Services considers it appropriate to exercise her discretion because of her concern about the suitability of the applicant which is the subject of the licensing application.

## APPENDIX 5

### HACKNEY CARRIAGE DRIVER'S LICENCE CONDITIONS

Epping Forest District Council is the licensing authority in respect of Hackney Carriages. On granting a licence it will impose the following conditions which it considers are reasonably necessary for the regulation of hackney carriages and drivers in its district. These conditions may be amended or varied by the Council at any time.

#### Conduct of Driver

1. The driver must:

(a) be clean, respectable and act with civility towards every person travelling in the vehicle and shall comply with their reasonable requirements;

NB. Minimum standards of dress prohibit the wearing of vests or singlets. Shorts may be worn only if properly tailored and of sufficient length when the driver is seated as not to offend against decency;

(b) not smoke in the vehicle at any time even when the vehicle has no passengers;

(c) take all reasonable precautions to ensure the safety of persons travelling in or alighting from such vehicles;

(d) not apply the centralised locking system when carrying adult passengers.

2. If a driver carries a hirer to a certain place and the hirer asks the driver to wait, the driver may ask for his/her fare for driving there and ask also for a deposit against the waiting time. After accepting such a deposit, the driver shall not drive away without the consent of the hirer.

3. The driver of a Hackney Carriage who shall have agreed or shall have been hired to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at the appointed time and place.

4. When picking up the hirer, the driver shall make his/her presence known in person and shall not attract the hirer's attention by sounding the car horn, shouting or making any other disturbing noise.

5. The driver of a Hackney Carriage, when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.

6. The driver shall not drive a vehicle that is a Hackney Carriage unless it is properly displaying the licence plate and it is clear and legible and all times.

7. not without the express consent of the hirer play any radio or sound reproducing instruments or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.

## **Badges**

8. A driver shall, at all times, display his/her badge so that it is clearly visible.
9. The driver will return his/her badge to the Licensing Section immediately upon the expiry, revocation or suspension of their licence.

## **Change of Address**

10. A Licence holder, on changing his/her address shall notify the Council of such a change within seven days.

## **Insurance /MOT/ Licence.**

11. The driver is responsible for ensuring that any vehicle in his/her charge is insured for use as a Hackney Carriage.
12. The appropriate MOT Certificate and insurance documents covering the use of that vehicle and driver shall be produced within seven days when required by the Council. A copy of these documents shall also be carried on the vehicle and must be produced on request by an authorised officer of the Council or a police officer.
13. The driver of a Hackney Carriage shall produce his/her Licence on request for inspection by an authorised officer of the Council, or any police officer

## **Passengers and Luggage**

14. A driver shall not carry or permit to be carried in his vehicle any greater number of persons than the number specified in the licence issued to that particular vehicle and must not refuse to carry fewer persons than the number marked on the plate.
15. Once a Hackney Carriage has been hired, a driver shall not carry anyone else during that hire, without the CONSENT of the first hirer.
16. Adequate luggage facilities must be provided, ensuring its safety and the driver shall, when requested by the hirer:
  - (a) afford reasonable assistance in loading and unloading such luggage;
  - (b) afford reasonable assistance in removing such luggage to or from the entrance of any building, station or place at which he/she may take up or set down such person;
17. A driver must take reasonable precautions to ensure the safety of persons entering or alighting from the vehicle and also to ensure that the relevant legislation regarding seat belts and child restraints are complied with.

## **Lost Property**

18. The driver of a Hackney Carriage shall immediately after the termination of the hiring search the vehicle for any property, which may have been accidentally left therein. The driver shall on finding such property, carry it as soon as possible and in any case within 24 hours, to his/her operator. If the driver has no operator then the matter must be reported to the nearest Police Station as soon as possible and in any case within 24 hours of the finding.

## **Animals**

19. Any animal belonging to or in the custody of any passenger can be conveyed in a licensed vehicle at the driver's discretion.

20. Any driver of a licensed vehicle which has been hired by or for a disabled person with their guide, hearing or prescribed assistance dog, or a person who wishes such a person to accompany him or her in the vehicle will have a duty to:-

- (a) convey the disabled passenger's dog and allow it to remain with the passenger; and
- (b) not make any additional charge for doing so.

An assistance dog is defined by regulations as a dog which is trained by a specified charity i.e. "Dogs for the disabled", "Support Dogs" or "Canine Partners for Independence", to assist a disabled person with physical impairment and which at the time that its owner hires a taxi is wearing a yellow jacket inscribed with the name of a charity.

21. A driver shall only be exempt from condition 21 on medical grounds and on having obtained an exemption notice from the Council. The notice of exemption shall be displayed in a prominent position.

## **Fares**

22. The driver shall not demand from the hirer a fare in excess of that indicated on the taximeter

23. The taximeter must be used at all times for all journeys and must be visible to the hirer.

24. If requested, the driver shall provide the hirer with a written receipt for the fare paid.

## **Use of Hackney Carriage**

25. No driver, licensed or otherwise, shall act as a Hackney Carriage driver without the consent of the owner of the Hackney Carriage.

26. A driver shall not leave his Hackney Carriage unattended in a public place, the Police being authorised to tow it away under such circumstances.

27. A driver shall not obstruct or hinder another Hackney Carriage driver in any way.

## **Medical Conditions**

28. The driver shall notify the Council in writing of any medical condition that arises after the issue of the licence that may affect their ability to drive safely.

## **Criminal Convictions**

29. In the event that a Licence holder is charged or summoned for any alleged criminal offence, then he/she shall within seven days of being charged or on receipt of the summons (as the case may be) report the fact, in writing, to the Licensing authority, giving particulars of each alleged offence and in which court the proceedings are pending.

30. In the event that a licence holder is convicted of any criminal offence, or has an official caution administered, he/she shall within seven days of such conviction report such conviction in writing to the Council, and give particulars of each conviction and any penalty points imposed in respect of it. **All driving offences shall be reported to the Council (this also includes a totting up of points.)**

31. Following any conviction or the issue of a fixed penalty notice which results in penalty points being endorsed on the Licence holder's DVLA driving licence, that Licence must be produced to the Council within seven working days of its return from the DVLA or a Court or a Fixed Penalty Office, following the endorsement of the offence thereon.

**Failure to comply with any of the conditions will result in a referral to the appropriate officer of the Council or to the Licensing Sub Committee for consideration of suspension or revocation of licence.**

**NOTE: Questions on these conditions will form part of the Knowledge Test**

## APPENDIX 6

### PRIVATE HIRE DRIVER'S LICENCE CONDITIONS

Epping Forest District Council is the licensing authority in respect of Private Hire Vehicles in the district. On granting a licence it will impose the following conditions which it considers are reasonably necessary for the regulation of hackney carriages and drivers in its district. These conditions may be amended or varied by the Council at any time.

#### Conduct of Driver

1. The holder of a Private Hire Vehicle licence shall also produce his/her licence for examination by the proprietor of the vehicle, both at the commencement of his/her employment and immediately after its renewal.

2. The driver must:

(a) be clean, respectable and act with civility towards every person travelling in the vehicle and shall comply with their reasonable requirements;

NB. Minimum standards of dress prohibit the wearing of vests or singlets. Shorts may be worn only if properly tailored and of sufficient length when the driver is seated as not to offend against decency.

(b) not smoke in the vehicle at any time even when the vehicle has no passengers;

(c) take all reasonable precautions to ensure the safety of persons travelling in or alighting from such vehicles.;

(d) not to apply the centralised locking system when carrying adult passengers.

3. If a driver carries a hirer to a certain place and the hirer asks the driver to wait, the driver may ask for his/her fare for driving there and ask also for a deposit against the waiting time. After accepting such a deposit, the driver shall not drive away without the consent of the hirer.

4. The driver of a Private Hire Vehicle who shall have agreed or shall have been hired to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at the appointed time and place.

5. When picking up the hirer, the driver shall make his/her presence known in person and shall not attract the hirer's attention by sounding the car horn, shouting or making any other disturbing noise.

6. The driver of a Private Hire Vehicle, when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.

7. The driver shall not drive a vehicle that is a Private Hire Vehicle unless it is displaying a licence plate and it is clear and legible at all times.



## **Badges**

8. A driver shall, at all times, display his badge so that it is clearly visible.
9. The driver will return their badges to the Licensing Section immediately upon the expiry, revocation or suspension of their licence.
10. A licence holder, on changing his/her address shall notify the Council of such a change within seven days.

## **Insurance /MOT/ Licence.**

11. The driver is responsible for ensuring that any vehicle in his/her charge is insured for use as a Private Hire Vehicle.
12. The appropriate MOT Certificate and insurance documents covering the use of that vehicle and driver shall be produced within seven days when required by the Council. A copy of these documents shall also be carried on the vehicle and must be produced on request by an authorised officer of the Council or a police officer.
13. The driver of a Private Hire Vehicle shall produce his/her licence on request for inspection by an authorised officer of the Council, or any police officer.

## **Passengers and Luggage**

14. A driver shall not carry or permit to be carried in his/her vehicle any greater number of persons than the number specified in the licence issued to that particular vehicle and must not refuse to carry fewer persons than the number marked on the plate
15. Once a Private Hire Vehicle has been hired, a driver shall not carry anyone else during that hire, without the CONSENT of the first hirer.
16. Adequate luggage facilities must be provided, ensuring its safety and the driver shall, when requested by the hirer:
  - (a) afford reasonable assistance in loading and unloading such luggage;
  - (b) afford reasonable assistance in removing such luggage to or from the entrance of any building, station or place at which he/she may take up or set down such person.
17. A driver must take reasonable precautions to ensure the safety of persons entering or alighting from the vehicle and also ensure that the relevant legislation regarding seat belts and child restraints are complied with.

## **Lost Property**

18. The driver of a Private Hire Vehicle shall immediately after the termination of the hiring search the vehicle for any property, which may have been accidentally left therein. The driver shall on finding such property, carry it as soon as possible and in any case within 48 hours, to his/her operator.

## **Animals**

19. Any animal belonging to or in the custody of any passenger can be conveyed in a licensed vehicle at the driver's discretion.

20. Any driver of a licensed vehicle which has been hired by or for a disabled person with their guide, hearing or prescribed assistance dog, or a person who wishes such a person to accompany him or her in the vehicle will have a duty to:-

- (a) convey the disabled passenger's dog and allow it to remain with the passenger; and
- (b) not make any additional charge for doing so.

An assistance dog is defined by regulations as a dog which is trained by a specified charity i.e. "Dogs for the disabled", "Support Dogs" or "Canine Partners for Independence", to assist a disabled person with physical impairment and which at the time that its owner hires a taxi is wearing a yellow jacket inscribed with the name of a charity or has some other form.

21. A driver shall only be exempt from condition 20 on medical grounds and on having obtained an exemption notice from the Council. The notice of exemption shall be displayed in a prominent position

## **Fares**

22. The driver shall not demand from the hirer a fare in excess of any previously agreed fare for that hiring.

23. Where a tariff is enforced, a tariff card shall be displayed on the inside of the vehicle in such a position as is plainly visible to persons travelling in the vehicle.

24. If requested, the driver shall provide the hirer with a written receipt for the fare paid.

## **Use of Private Hire Vehicle**

25. No driver, licensed or otherwise, shall act as a Private Hire Vehicle driver without the consent of the owner of the Private Hire Vehicle.

26. A driver shall not leave his Private Hire Vehicle unattended in a public place, the Police being authorised to tow it away under such circumstances.

27. A driver shall not obstruct or hinder another Private Hire Vehicle driver in any way.

28. Private Hire Vehicles may not wait on any stand designated for the use of Hackney Carriages.

## **Medical Conditions**

29. The driver shall notify the Council in writing of any medical condition that arises after the issue of the licence that may affect their ability to drive safely.

## **Criminal Convictions**

30. In the event that a licence holder is charged or summoned for any alleged criminal offence, then he shall within seven days of being charged or on receipt of the summons (as

the case may be) report the fact, in writing, to the Licensing authority, giving particulars of each alleged offence and in which court the proceedings are pending.

31. In the event that a licence holder is convicted of any criminal offence or has an official caution administered to them, he/she shall within seven days of such conviction report such conviction in writing to the Council, and give particulars of each conviction and any penalty points imposed in respect of it. **All driving offences shall be reported to the Council (this also includes a totting up of points.)**

32. Following any conviction or the issue of a fixed penalty notice which results in penalty points being endorsed on the licence holder's DVLA driving licence, that licence must be produced to the Council within seven working days of its return from the DVLA or a Court or a Fixed Penalty Office, following the endorsement of the offence thereon.

### **Enforcement**

33. The Council may suspend, revoke or refuse to renew on application a driver's licence if any of the above conditions are not complied with.

**Failure to comply with any of the conditions will result in a referral to the appropriate officer of the Council or to the Licensing Sub Committee for consideration of suspension or revocation of licence.**

**NOTE: Questions on these conditions will form part of the Knowledge Test**

## APPENDIX 7

### PRIVATE HIRE OPERATOR LICENCE CONDITIONS

Epping Forest District Council ('the Council') is the licensing authority in respect of Private Hire Operator Licences. The following conditions are reasonably necessary for the regulation of Private Hire Operators in its district. These conditions may be amended or varied by the Council at any time.

The operator of the private hire vehicle must ensure that he or she complies with the following conditions at all times.

#### Records

1. The operator must keep records of private hire bookings and of drivers and vehicles available to the operator and these shall be kept as follows:-

(a) Records must be kept in a form which gives easy access for inspection, e.g., in a bound book or if a booking is made by computer, a print out of each day's bookings, or bookings kept in computerised form so that the records can easily be made available for inspection by an authorised officer of the Council or Police Officer. Records must be kept for at least one year;

(b) The operator shall keep at each Operating Centre, records of the Private Hire Vehicle drivers and vehicles (including a copy of their licence) available to the operator for carrying out bookings accepted at that centre.

(c) All records must be made and retained in written or electronic form and securely stored.

(d) Records of each hiring must contain the following details:

- Date and time booking made
- Name of hirer
- Name of principal passenger (if different from above)
- Agreed time of pick-up
- Agreed place of pick up
- Destination(s) specified at time of hiring by the hirer(s)
- Identity of vehicle undertaking the hiring (vehicle registration or Private Hire Vehicle licence number)
- Name and licence number of the driver undertaking the hiring
- Fare quoted to hirer (if requested when hired)
- Time and date of journey (if different from date of booking)
- Whether the booking was sub-contracted; if so, the name of the sub-contractor, the Licensing Authority and the operator licence number.

(e) Records of the Private Hire Vehicle driver(s) used by the operator must contain the following details:

- Full name of driver
- Date of birth

- Address (normal place of residence)
- Date driver became available to operator
- Category of vehicle for which eligible to drive
- Private Hire Drivers licence number
- Date driver ceased to be available to the operator

(f) Records of the Private Hire Vehicle used by the operator must contain the following details:

- Manufacturer, model and colour
- Registration number
- Private Hire licence/plate number
- Registered owner name and address (on registration document)
- Date when vehicle became available to operator
- Copy of current valid certificate of insurance
- Date vehicle ceased to be available to the operator.
- Service history of each vehicle including details of any modifications thereto and details of all accident repairs.

### **Operation Centre**

2. The operator shall notify the Council of any changes to the information supplied on the application form, e.g., change of address or telephone number, must be notified to the Council within two weeks of the change.
3. Operators will be required to notify the Council of the name of the person responsible for the day-to-day running of each Operating Centre named on the licence, and of any changes.
4. Operators shall display a copy of their licence at the Operating Centre in a position that is accessible to members of the public
5. Operators must display on public view, at Operating Centres with public access, evidence of their public liability insurance and must provide the Council with copies on request.
6. Operators must indicate clearly at the Operating Centre or within any letter head, advertising or promotion of their service, that the service provided is in respect of pre-booked journeys only.
7. Operators must ensure that any telephone facilities and radio equipment provided are maintained in sound condition and that any defects are repaired promptly.

### **Waiting Areas**

8. To ensure that any waiting area for members of the public is kept clean, adequately heated, ventilated and lit.
9. To ensure that there is public liability insurance for any area open to the public for at least 2 million pound and the Operator shall produce evidence of insurance to the Council when requested.

## **Fares**

10. Details of fare tariffs should be available to members of the public and displayed on public view at the Operating Centre or made available upon request.
11. Fares will be in accordance with the operator's advertised table of fares, unless otherwise agreed with the hirer at the time of booking.
12. The operator should give details of the fare for a particular hiring to the hirer when the booking is being made, If requested by the hirer.

## **General**

13. Operators shall not employ or otherwise engage, whether directly or indirectly, any vehicle that has not been licensed by the Council or a driver who does not have a valid licence, for any bookings.
14. Operators shall only accept booking at an authorised Operating Centre.
15. Operators shall only sub-contract bookings to a licensed operator.
16. Operators must establish a complaints procedure, ensuring that all complaint records include the driver's name, nature of complaint, details of complainant and action taken.
17. Operators must establish a procedure for dealing with client's property lost or found in a Private Hire Vehicle operated by them or under contract to them. This should include evidence that an attempt has been made to return the property to the owner, and a system for recording and storing lost property.
18. Operators must provide details to the Council of any licensed driver whose services are dispensed with by the operator, where the circumstances of the driver's dismissal relate to a breach of the licence conditions.
19. Details of any conviction incurred by the licensee during the currency of the licence must be reported in writing to the Council within two weeks of the date of the conviction.
20. Lost property should be returned to the operator, then at the earliest convenience given to the customer. If this is not possible it shall be handed into the nearest police station

**Failure to comply with the conditions will result in a referral to the appropriate officer of the Council or the Licensing Sub Committee for consideration of suspension or revocation of licence.**

## APPENDIX 8

### **CRIMINAL RECORDS POLICY GUIDELINES FOR THE ISSUE OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER AND OPERATOR LICENCES**

#### Introduction

When submitting an application for a licence to drive a hackney carriage and/or private hire vehicle or to operate a private hire vehicle the applicant is requested to declare any pending prosecutions, cautions or convictions you may have, even those regarded as 'spent' under the Rehabilitation of Offenders Act 1974. Failure to declare such information or giving false information to obtain a licence is an offence and will be treated very seriously. The information that is given is treated in the strictest confidence and will only be taken into consideration in relation to the application.

The applicant is required to consent to the Council carrying out a check with the Disclosure and Barring Service, which will disclose any cautions or convictions that he or she may have. Information received from the Disclosure and Barring is treated in the strictest confidence while the application is processed, and will be retained on manual and computer records for no longer than is deemed necessary.

The existence of a criminal record or disclosure of other information will not necessarily preclude the applicant from gaining a licence unless the Council considers that any conviction or convictions renders him or her unfit to hold such a position of trust. In making this decision the Council will take into consideration the nature of the offence, the time period since it was committed, what age the applicant was when the offence was committed, and any other factors the applicant brings to the Council's attention or the Council feel are relevant.

Any applicant refused a licence on the grounds that they are not a fit and proper person to hold a licence has a statutory right of appeal to a magistrates' court.

#### **General Policy**

1. Each case will be decided on its own merits.
2. A person with a current conviction for a serious crime need not necessarily be permanently barred from obtaining a licence, but should be expected to remain free from conviction for a period of three to five years, depending on the circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances, although persons with convictions for offences of a violent, sexual, child-related nature, a racially aggravated offence or other very serious crime will not normally be issued with a licence. The overriding consideration will always be the protection of the public.
3. In this policy, the time periods mentioned in each case refer to the time that has elapsed since the date of conviction. Where a custodial sentence has been imposed, however, the time period runs from the date of release from prison. Where several offences are being considered together, the pattern of offending will be taken into consideration and the Council will normally expect a person to have been free from conviction for a period of three to five years from the last conviction.
4. The Council reserves its right to take into consideration spent convictions and relevant cautions.

5. The Council reserves its right to require an applicant to undergo a substance abuse (illegal drugs) test where there is evidence to suggest that the applicant may have a drugs problem or there is a history of drug use. This would be at the expense of the applicant and would normally be required where two or more convictions or cautions under the Misuse of Drugs Act within the last ten years have been revealed.

6. Should the Council be minded to refuse an application or have concerns over convictions or driving endorsements the applicant will be invited to attend the Licensing Sub-Committee before making a determination. If an applicant does not attend, a decision will be made based on the information available.

The following examples afford a general, but not exhaustive indication as to the action likely to be taken where convictions are declared and/or revealed.

### **Types of Convictions**

#### **(a) Minor traffic offences**

Convictions for minor traffic offences should not prevent the issue of a licence.

If 6 points or more have accrued the applicant should be warned as to future conduct and the warning recorded.

If an applicant has been disqualified under the totting up procedure he should be warned as to future conduct.

If his or her DVLA licence shows more than one disqualification for whatever period or reason (other than a drink drive offence) then he should not be issued a licence unless and until a period of at least 2 years free of convictions has elapsed since the expiry of his last period of disqualification

#### **Minor Traffic offences not declared by driver**

Where an applicant has failed to disclose one or more of the offences mentioned above on their application form but such offences are subsequently uncovered during a DVLA check or by any other means, the Council shall determine whether to issue the licence subject to a warning regarding future conduct or to refuse to grant the licence. A key consideration in reaching this determination will be whether there was a premeditated intent to deceive.

Existing drivers are under a legal obligation to declare to the Council all offences committed. Failure to do so may result in the revocation of the licence.

#### **(b) Major traffic offences**

An isolated, spent conviction for offences including dangerous driving or driving without due care and attention should normally merit a warning as to future driving and advice on the standards expected of hackney carriage and private hire drivers.

More than one conviction for this type of offence or a combination with other convictions within the last two years should merit refusal and no further application will then be considered until a period of at least five years free from conviction has elapsed.



(c) Drunkenness - With a motor vehicle

A serious view should be taken of convictions for driving or being in charge of a vehicle under the influence of drink.

An isolated incident in the past should not necessarily debar an applicant unless the applicant had been employed in duties as a taxi driver at the time of the offence. In that case the application should be refused.

At least five years should elapse after the restoration of the DVLA driving licence, following disqualification for an isolated offence of this nature.

If the applicant has more than one conviction for a drink/drive offence the application should be refused.

If there is any suggestion that the applicant is an alcoholic then a special medical examination should be arranged.

If the applicant is found to be an alcoholic a period of five years should elapse after treatment is complete before a further application is considered.

(d) Drugs

If an applicant has one conviction for a drug related offence then he should be required to show a period of at least three years free of conviction before the issue of a licence is considered.

If an applicant has two convictions within the previous ten years then he should be required to show a period of at least five years free of convictions. If applicant has three or more convictions for drug related offences then the application should be refused.

If the applicant is or has been a drug addict then he should be required to wait a period of 5 years after detoxification treatment before re-applying.

(e) Indecency offences

Hackney carriage and Private Hire Vehicle drivers often carry unaccompanied and/or vulnerable passengers. If an applicant has a conviction for any sexual offence the application will be refused.

(f) Violence

As Hackney Carriage and/or Private Hire Vehicle drivers and operators are in close contact with the public, a firm line should be taken with applicants who have convictions for grievous bodily harm, wounding or assault.

If the applicant has more than one conviction for violence within the preceding ten years then the application should be refused.

A conviction for Grievous Bodily Harm, Unlawful Wounding, Attempted Murder, Threats To Kill, or similar, should be considered by the severity of the sentence. In other words the rehabilitation periods under the Rehabilitation of Offenders Act 1974 should be used to justify the issue or refusal of a licence.

(g) Dishonesty

Hackney Carriage and/or Private Hire Vehicle drivers and operators are expected to be persons of trust. The widespread practice of delivering unaccompanied property, taking children to school and families on holiday is indicative of the trust that people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare. Overseas visitors can be confused by the change in currency and become 'fair game' for an unscrupulous driver.

Similarly, any customer can be defrauded by a driver taking them by any other than the shortest route or by any property left in the vehicle being kept by unscrupulous drivers.

For these reasons a serious view should be taken of any convictions involving dishonesty. In general, a period of at least three to five years free from conviction should be demonstrated before an application is considered.

If an applicant has several convictions of a similar nature then a longer period than the three to five year period should be considered before consideration of the application.

(h) Insurance offences

A serious view will be taken of convictions for driving or being in charge of a vehicle without insurance.

An isolated incident in the past will not necessarily debar an applicant but the sub-committee will require evidence as to the facts of the case.

More than one conviction for this type of offence in the last five years will raise grave doubts as to an applicant's fitness to hold a Licence, unless there are exceptional circumstances. A driver found guilty of driving passengers for hire and reward whilst without valid insurance will have their Hackney Carriage and/or Private Hire Driver's Licence revoked immediately and no further application for such a licence will be considered by the Council for a minimum period of five years.

A Private Hire operator similarly convicted of operating a vehicle without valid insurance will have their licence revoked and no further application for such a licence will be considered by the Council for a minimum period of five years

(i) Use of Hackney Carriage or Private Hire Vehicles

Unlicensed drivers who have convictions for any offences relating to the use of a licensed vehicle will not be considered for a licence by the Council for a minimum period of three years. More than one conviction for this type of offence in the last five years will raise grave doubts as to an applicant's fitness to hold a Hackney Carriage and/or Private Hire Driver's licence, unless there are exceptional circumstances.

Licensed drivers who are convicted of plying for hire (or touting) or other offences relating to the use of licensed vehicles will have their licence revoked and will not normally be considered for a licence by the Council for a minimum period of three years from the date of conviction. Private Hire Operators found guilty of operating a vehicle where no private hire vehicle Licence is in place will have their licence revoked and no further application for such a licence will be considered by the Council for a minimum period of three years.

(k) Failure to respond to interview request

The Council considers failure to respond to officer's request for an interview whether formal or informal to be serious as it prevents the Council from investigating issues and complaints and shows a disregard for the safety of the travelling public. In these circumstances the Council shall consider suspension of a driver's licence pending the outcome of the investigation.

(l) Failure to report an accident

A first offence of failure to report an accident within the specified time will normally be dealt with by issuing a written warning. Subsequent offences may be dealt with by way of revocation of the licence and/or prosecution