

Meeting	<b>LICENSING COMMITTEE</b>
Time/Day/Date	6.30 pm on Wednesday, 5 October 2016
Location	Council Chamber, Council Offices, Coalville
Officer to contact	Democratic Services (01530 454512)

All persons present are reminded that the meeting may be recorded and by attending this meeting you are giving your consent to being filmed and your image being used. You are kindly requested to make it known to the Chairman if you intend to film or record this meeting.

The Monitoring Officer would like to remind members that when they are considering whether the following items are exempt information under the relevant paragraph under part 1 of Schedule 12A of the Local Government Act 1972 they must have regard to the public interest test. This means that members must consider, for each item, whether the public interest in maintaining the exemption from disclosure outweighs the public interest in making the item available to the public.

## **AGENDA**

<b>Item</b>	<b>Pages</b>
<b>1. APOLOGIES FOR ABSENCE</b>	
<b>2. DECLARATION OF INTERESTS</b>	
Under the Code of Conduct members are reminded that in declaring disclosable interests you should make clear the nature of that interest and whether it is 'Pecuniary' or 'Non-Pecuniary'.	
<b>3. MINUTES OF PREVIOUS MEETING</b>	
To confirm and sign the minutes of the meeting held on 15 June 2016.	<b>3 - 4</b>
<b>4. REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER POLICY AND CONDITIONS</b>	
Report of the Environmental Health Team Manager.	<b>5 - 38</b>



Circulation:

Councillor G A Allman  
Councillor R Ashman  
Councillor J Clarke  
Councillor N Clarke  
Councillor J Cotterill  
Councillor D Everitt  
Councillor T Eynon  
Councillor G Houl  
Councillor J Houl  
Councillor G Jones  
Councillor P Purver  
Councillor V Richichi (Deputy Chairman)  
Councillor A C Saffell  
Councillor S Sheahan  
Councillor N Smith (Chairman)  
Councillor M Specht  
Councillor M B Wyatt

MINUTES of a meeting of the LICENSING COMMITTEE held in the Council Chamber, Council Offices, Coalville on WEDNESDAY, 15 JUNE 2016

Present: Councillor N Smith (Chairman)

Councillors G A Allman, J Clarke, N Clarke, J Cotterill, T Eynon, F Fenning (Substitute for Councillor D Everitt), G Hoult, G Jones, P Purver, V Richichi, S Sheahan and M Specht

Officers: Mr S Eyre, Mrs A Lowe, Mr L Mansfield and Mrs R Wallace

## **9. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors D Everitt, J Hoult, A C Saffell and M B Wyatt.

## **10. DECLARATIONS OF INTEREST**

There were no declarations of interests.

## **11. MINUTES OF PREVIOUS MEETING**

Consideration was given to the minutes of the meeting held on 24 February 2016.

It was moved by Councillor M Specht, seconded by Councillor S Sheahan and

RESOLVED THAT:

The minutes of the meeting held on 24 February 2016 be approved and signed by the Chairman as a correct record.

## **12. DUAL TAXI DRIVER LICENCE (HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER)**

The Environmental Health Team Manager presented the report to members.

Councillor T Eynon spoke in support of the dual taxi driver licence. She asked about the purpose of having to have at least two months remaining on an existing licence to be able to apply for a dual licence. The Environmental Health Team Manager explained that he wanted to give existing drivers a choice, which was the reason for allowing a licence to be transferred part way through an existing term. The two month cut off point was necessary so that officers could manage the process and initially it would be difficult to know the number of drivers that would want to transfer their licence. To cover costs, drivers would need to pay an administrative fee to transfer their existing licence but not if expired.

Councillor F Fenning expressed concerns regarding the possible increase in the use of taxi ranks due to the introduction of the dual taxi licence. The Licensing Team Leader did not envisage much of an impact on the taxi ranks as it was only hackney carriages that could use them.

In response to a question from Councillor P Purver, the Licensing Team Leader reported that dual taxi licences were used at other authorities and referred to Erewash Borough Council that had 100 percent dual taxi licences.

In response to a question from Councillor M Specht, the Environmental Health Team Manager explained that as some drivers stated that they would not be prepared to sit an enhanced knowledge test as part of the consultation, the decision was taken to retain the private hire driver's licence for those who did not want a dual taxi licence. The hackney carriage licence would no longer be and would automatically be renewed as a dual taxi

licence. He added that the fit and proper test for private hire drivers was the same as for hackney carriage drivers.

It was moved by Councillor M Specht, seconded by Councillor T Eynon and

RESOLVED THAT:

- a) The introduction of dual driver licences be approved.
- b) The implementation of the introduction of dual driver licences be delegated to the Environmental Health Team Manager.
- c) Amendments to the Hackney Carriage and Private Hire Fit and Proper Persons Policy to reflect the changes in legislation and Central Government Policy be delegated to the Environmental Health Team Manager.

### **13. REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE POLICY AND CONDITIONS**

The Environmental Health Team Manager presented the report to Members and addressed each of the nine proposals to go out for consultation in turn which were grouped within the four licensing objectives.

Proposal 1 – *‘Should a vehicle fail a visual inspection a second inspection will be permitted. Should a vehicle fail the second visual inspection it will be deemed not to be of an exceptional condition and consequently will not be licensed.’*

The Environmental Health Manager explained that the aim of the proposal was to restrict the amount of times drivers could present their vehicles in a poor condition. The Chairman added the intention was to put the emphasis on the driver to ensure their vehicle was in the right condition and not to use the council to initially check for faults.

In response to questions from Councillor T Eynon, the Licensing Team Leader reported that he could not give the exact number of licensed vehicles that were over six years old but it was approximately 40 percent. He explained that it was not implying that older vehicles were poor but that they wanted the standards to be higher with vehicles passing the tests first time.

In response to questions from Councillor S Sheahan, the Licensing Team Leader reported that the amount of time given to drivers to rectify faults was dependant on the type of failures. Major failures were given three to four days and minor failures were usually the same day or following day. Dependent on the nature of the failure, drivers would still be able to carry passengers in the meantime. Councillor S Sheahan expressed his surprise that drivers would continue to present vehicles in a poor condition as he felt it would not be in their interest to do so. The Environmental Health Team Manager stated that approximately 65 percent of drivers passed the inspection tests first time and therefore did not believe the proposal would cause much of an issue.

In response to a question from Councillor G Allman, the Licensing Team Leader confirmed that there was not a charge for the visual inspection, however there was a £45 charge for the mechanical check.

The proposal was put to the vote and was agreed.

Proposal 2 – *‘Should a vehicle of six years or older fail a mechanical inspection with defects in more than one critical area, it will be deemed not to be of exceptional condition and consequently will not be licensed.’*

and

Proposal 3 – *‘Should a vehicle of less than six years old fail a mechanical inspection, one retest will be available. Should the vehicle fail the inspection at the second attempt with defects in more than one critical area the vehicle will not be licensed.*

The Environmental Health Team Manager stressed that if a vehicle failed a retest it would be the end of the process for them and the aim was to keep vehicles as new as possible.

Councillor J Clarke felt that the proposal was sensible even if it did affect a lot of vehicles.

In response to a question from Councillor P Purver regarding the high mileage of an older vehicle, the Environmental Health Team Manager stated that the aim was to make sure the vehicle was safe and not specifically about the mileage of the vehicle.

Councillor M Specht expressed his concern regarding proposal two as he felt it was too severe. He felt that as a driver himself who took good care of his vehicle, it was not always possible to know every fault until it was checked. The Environmental Health Team Manager explained that the proposal had been discussed at great lengths and encouraged Members to share their views. He did not disagree with Councillor M Specht.

Councillor T Eynon commented that she supported what officers were trying to achieve with the proposal as it was important to remember that the vehicles were not for private use but for carrying passengers and a cut off point was necessary. She added that drivers could take their vehicles to any garage at any time to check its condition; they did not have to rely on the Council’s inspections. The Environmental Team Manager reported that drivers were provided with a manual of what was expected so they could carry out inspections themselves at any point.

Councillors V Richichi and J Clarke commented that drivers were responsible for the safety of their passengers and supported the proposal.

Councillor S Sheahan expressed concerns regarding the proposal that one major defect would pass an inspection but two minor defects would fail. The Environmental Health Team Manager explained that if the failure was not due to a critical defect then a retest would be permitted. He reported that legal advice had been sought before putting forward the proposals and he agreed it was strict. Councillor S Sheahan felt that it could be an issue for drivers who failed tests by a small margin as there was no right of appeal.

Councillor N Clarke felt that the proposals were strict but he believed they were right.

The proposals were put to the vote and agreed.

Proposal 4 – *‘To remove purpose built London style cabs from the list of exemptions.’*

and

Proposal 5 – *‘To add ultra low emission vehicles to the list of exemptions, permitting vehicles six years and over on the first application.’*

In response to a question from Councillor P Purver, the Licensing Team Leader reported that there was only one purpose built London style cab currently licensed.

Councillor M Specht raised concerns regarding the recent issues with Volkswagen emissions and how this would have an impact, as any licensed vehicles would be passing tests even though it should not be. The Environmental Health Team Manager explained

that the issue was not being addressed at the moment but the situation was being monitored by officers. Councillor M Specht felt very strongly about the issue and it was agreed by officers to be included as part of the further consultation. Councillor J Clarke felt that it was harsh to be punishing drivers of Volkswagen vehicles when it was a manufacturer fault. Councillor N Clarke reminded Members that the vehicles were still fit for purpose and were safe, other vehicles were on the road with the same level of emissions.

Councillor V Richichi commented that as it stood, if a vehicle passed the DVSA test then it was fit for purpose and he felt that they should not be telling drivers what vehicles were allowed to be licensed because of the emissions issue.

Councillor T Eynon brought Members attention back to the proposals as the emissions issue was not included; She believed that the proposals were reasonable.

The proposals were put to the vote and agreed.

Proposal 6 – Option 1:

*‘To require vehicles to be fitted with a Euro 6 compliant engine, from January 2021.’*

Or

Option 2:

*‘To require vehicles to be fitted with a Euro 4 compliant engine (registered since January 2005), from 1 January 2017;*

*To require vehicles to be fitted with a Euro 5 compliant engine (registered since September 2009), from 1 January 2021;*

*To require vehicles to be fitted with a Euro 6 compliant engine (registered since September 2014), from 1 January 2025.’*

The Environmental Health Team Manager presented two options to Members due to a comment received from a taxi business who would lose half of its fleet if option one was put forward.

Councillor T Eynon felt that option one would be hard on the industry and option two was a better approach. Members agreed.

Option two was put to the vote and agreed.

Proposal 7 – ‘To introduce a livery colour for hackney carriages, making the vehicles more recognisable to the public. From 1 January 2018 all vehicles relating to new applications for a hackney carriage licence must be the livery colour agreed by the Council.’

Councillor S Sheahan was strongly against the proposal and believed the Council were in danger of over regulating.

Councillor N Clarke believed it was a good proposal and would make the vehicles easily recognisable.

The Environmental Health Team Manager stressed that the proposal would be for new applications only.

Councillor M Specht supported the proposal.

Councillor T Eynon commented that as it would not affect the current fleet it would be interesting to see the results of the consultations. She felt that the trade should be given the opportunity to suggest a colour.

Councillor F Fenning felt that having the correct signage in place would be a simpler proposal. The Environmental Health Team Manager explained that private hire vehicles already had signage as part of their conditions and hackney carriages had roof signs. The proposal was suggested to make recognition easier for the public.

Councillor G Hoult commented that the current signage could not be seen in the dark and believed the proposal would help.

Councillor S Sheahan moved that the proposal not be part of the consultation and it was seconded by Councillor F Fenning. It was put to the vote and lost.

Councillor M Specht moved to keep the proposal in the consultation as it was currently worded and it was seconded by Councillor V Richichi. It was put to the vote and carried.

Members agreed the proposal.

***Proposal 8 – ‘In the event that a short term insurance cover is in place at the time of grant, the licence holder must present a further insurance certificate to the licensing team before expiry of the cover note. Failure to present the an insurance certificate before the expiry of the cover note will result in the licensing team contacting the licence holder requiring evidence of the insurance to be produced. This service will be chargeable.’***

Councillor P Purver agreed with the proposal as she felt there was no reason why an insurance document could not be produced.

Councillor N Clarke felt that the proposal was unnecessary. The Environmental Health Team Manager commented that they could not ignore the fact that drivers needed to present their certificates and if they were being chased to do so they should be paying for the service.

In response to a question from Councillor M Specht, the Licensing Team Leader reported that officers had a constant rolling weekly check regarding insurance documents. Councillor M Specht expressed concerns that if drivers who pay for the insurance through direct debit stopped paying then they would not be insured and the Council would not be aware. The Licensing Team Leader explained that an agreement was in place with a number of insurers where a notification is sent through to officers if that occurred. Councillor M Specht continued to raise concerns about checks undertaken. The Licensing Team Leader felt that there were good measures in place to ensure vehicles were insured and the regular checks were undertaken. He also confirmed that officers conducted road side vehicle checks quarterly and enforcement officers were out within the district regularly.

Councillor V Richichi suggested the use of an insurance database that was available where any uninsured vehicles were removed immediately.

The proposal was put to the vote and agreed.

***Proposal 9 – ‘To introduce a requirement to display a notice within the vehicle explaining to a passenger how they can provide feedback to the Council.’***

Councillors T Eynon and S Sheahan felt that it was a good proposal and believed it would improve the service.

The proposal was put to the vote and agreed.

The Environmental Health Team Manager referred Members to the next steps of the consultation detailed at paragraph 5.0 of the report.

RESOLVED THAT:

Comments made by the Committee be taken into consideration prior to the wider consultation.

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 7.57 pm

## NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

## LICENSING COMMITTEE – WEDNESDAY, 5 OCTOBER 2016

Title of report	<b>REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER POLICY AND CONDITIONS</b>
Contacts	<p>Councillor Alison Smith MBE 01530 835668 <a href="mailto:alison.smith@nwleicestershire.gov.uk">alison.smith@nwleicestershire.gov.uk</a></p> <p>Environmental Health Team Manager 01530 454610 <a href="mailto:lee.mansfield@nwleicestershire.gov.uk">lee.mansfield@nwleicestershire.gov.uk</a></p> <p>Licensing Team Leader 01530 454844 <a href="mailto:stephen.eyre@nwleicestershire.gov.uk">stephen.eyre@nwleicestershire.gov.uk</a></p>
Purpose of report	To outline proposed amendments to hackney carriage and private hire driver policy, conditions and byelaws, for consultation
Council priorities	Business & Jobs Homes and communities
Implications:	
Financial/Staff	All staffing costs associated with the preparation, consultation, adoption and enforcement of the Hackney Carriage and Private Hire Driver Fit and Proper Person Policy and Driver Code of Conduct can be met by the existing level of staff.
Link to relevant CAT	Not applicable
Risk Management	No significant risks identified. The Department for Transport Taxi and Private Hire Vehicle Licensing Best Practice Guidance has been fully considered in drafting the proposed licence conditions. All proposed conditions relate to the promotion of public, driver or passenger safety.
Equalities Impact Screening	Not applicable
Human Rights	Any interference with property rights protected by Article 8 and Protocol 1 Article 1 of the Human Rights Act must be legitimate, necessary and proportionate
Transformational Government	None
Comments of Head of Paid Service	The report is satisfactory

Comments of Section 151 Officer	The report is satisfactory
Comments of Monitoring Officer	The report is satisfactory
Consultees	Existing driver licence holders Existing vehicle licence holders
Background papers	NWLDC Hackney Carriage and Private Hire Driver Fit & Proper Person Policy – Issue 10 (2016) Department for Transport Taxi and Private Hire Vehicle Licensing Best Practice Guide NWLDC Hackney Carriage Byelaws – 2003 NWLDC Private Hire Driver Conditions – 2010 NWLDC Hackney Carriage and Private Hire Driver Code of Conduct - 2010
Recommendations	<ol style="list-style-type: none"> <li><b>1. THAT LICENSING COMMITTEE CONSIDERS AND MAKES COMMENT ON PROPOSED CHANGES TO THE HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER FIT AND PROPER PERSON POLICY PRIOR TO WIDER CONSULTATION (PROPOSALS 1, 2 AND 3)</b></li> <li><b>2. THAT LICENSING COMMITTEE CONSIDERS AND MAKES COMMENT ON THE DRAFT HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER CODE OF CONDUCT PRIOR TO WIDER CONSULTATION (PROPOSAL 4)</b></li> <li><b>3. THAT LICENSING COMMITTEE CONSIDERS AND MAKES COMMENT ON THE PROPOSED CHANGE TO THE HACKNEY CARRIAGE BYELAWS PRIOR TO CONSIDERATION BY COUNCIL (PROPOSAL 5)</b></li> <li><b>4. THAT AMENDMENTS TO THE HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER CODE OF CONDUCT TO REFLECT CHANGES IN LEGISLATION AND CENTRAL GOVERNMENT POLICY IS DELEGATED TO THE ENVIRONMENTAL HEALTH TEAM MANAGER FOLLOWING CONSULTATION WITH THE PORTFOLIO HOLDER</b></li> </ol>

## **1.0 BACKGROUND**

- 1.1 The Local Government (Miscellaneous Provisions) Act 1976 (LG(MP)A) provides a local authority with powers in relation to private hire driver licences.
- 1.2 The Town and Police Clauses Act 1947 (TPCA) provides a local authority with powers in relation to hackney carriage driver licences.
  - Sec 51 LG(MP)A 1976 – licensing of private hire drivers
  - Sec 46 TPCA 1947 – licensing of hackney carriage drivers
- 1.3 Resulting from the court case of Wathan v Neath Port Talbot County Borough Council (2002), Council's are not permitted to add conditions to Hackney Carriage Driver's Licences. Driver behaviour is regulated by way of byelaws. North West Leicestershire's byelaws were passed on 23 April 2003. Legislation does allow for conditions to be attached to private hire driver's licences.
- 1.4 In order to be licensed as a driver an applicant must show that they are a fit and proper person.

The fit and proper assessment comprises of the following:

- a) Disclosure and Barring Service check (criminal record check)
- b) DVLA driving licence check
- c) Medical examination
- d) Knowledge Test (taxi licensing law and conversational proficiency)
- e) Driving Standards Agency driving test
- f) Disability awareness (during the first 12 months as a licensed driver must attend a training course)

Upon satisfactorily completing the above assessment an applicant will be licensed.

- 1.5 A driver's behaviour is monitored during the life of the licence. In the event that the licensed driver is no longer considered to be fit and proper sanctions may be imposed. Sanctions available include warnings, suspension and revocation of the licence.
- 1.6 Currently the Policing and Crime Bill going through parliament has a clause which, if enacted, would allow the Secretary of State to issue guidance to public authorities as to how their licensing functions under taxi and private hire vehicle legislation may be exercised so as to protect children, and vulnerable individuals who are 18 or over, from harm. Although we cannot predict the content of the guidance it is likely it would contain a requirement for drivers to undergo training on safeguarding and child sexual exploitation, CSE).
- 1.7 The current private hire driver conditions were approved by Licensing Committee in 2010. Any amendment to these conditions must be approved by the Licensing Committee.
- 1.8 The current fit and proper person policy was approved by Licensing Committee in June 2016. Any amendment to this policy other than those made to reflect changes in legislation or Government policy must be approved by the Licensing Committee.
- 1.9 The current hackney carriage byelaws were approved by Council on 7 October 2002 and were confirmed by the Secretary of State and came into force on 23 April 2003. Any amendment to these byelaws must be approved by Council and confirmed by the

Secretary of State. Any recommendation for amendment will be made to Council by Licensing Committee.

## **2.0 OUTCOMES**

2.1 The current policy, conditions and byelaws have been reviewed with the following four outcomes in mind.

1. Licensed taxi drivers are medically fit to drive;
2. The detail and clarity of the Hackney Carriage and Private Hire Convictions and Fitness Policy is enhanced;
3. Licensed drivers hold the necessary knowledge in relation to safeguarding and child sexual exploitation;
4. Licensed drivers demonstrate the correct behaviours incorporating a smart and professional appearance

2.2 Appendices

Appendix 1 – Current Relevance of the Convictions Policy

Appendix 2 – Proposed Relevance of the Convictions Policy

Appendix 3 – Draft Driver Code of Conduct – tracked changes

Appendix 4 - NWLDC Hackney Carriage Byelaws – 2003

## **3.0 SUMMARY OF PROPOSED AMENDMENTS**

The following documents provide the governance relating to drivers:

Hackney Carriage and Private Hire Driver Fit and Proper Person Policy;

Hackney Carriage and Private Hire Driver Code of Conduct;

Hackney Carriage Byelaws;

Private Hire Driver Conditions.

The following is a list of the significant changes. Each of the proposed changes have been listed under one of the 4 objectives of the review:

3.1 Outcome 1 – Licensed drivers are medically fit to drive

Current situation

NWLDC has adopted the DVLA Group 2 medical standard for all licensed drivers. Applicants are required to find a Doctor who is familiar with the requirements of a Group 2 medical examination. The examining Doctor will complete and sign the examination form.

It is common for a medical practitioner to assess the medical fitness of an applicant without any knowledge of their medical history.

### Proposal 1

It is proposed to amend the medical examination section of the 'fit and proper person' policy by requiring the medical examination to be carried out by the applicants own medical practitioner or a medical practitioner with access to the applicant's medical history (notes).

3.2 Outcome 2 – The detail and clarity of the relevance of convictions section of the Hackney Carriage and Private Hire Fit and Proper Person Policy is enhanced

Current situation

The current guidance relating to the relevance of convictions is lacking detail in some areas. The additional information provided within the draft policy will assist both applicants, licence holders, licensing officers and elected members.

Proposal 2

To amend the relevance of the convictions section of the fit and proper person policy by increasing the level of detail within the policy, providing applicants, licence holders, licensing officers and elected members with more clarity.

The draft relevance of the convictions section of the fit and proper person policy differs significantly from the current policy. The current and proposed relevance of the convictions policy are attached as Appendix 1 and 2 respectively. Those significant changes include:

- The introduction of four policy aims;
- The term 'fit and proper person' is further explained;
- The introduction of guidance covering outstanding charges or summonses and non-conviction information;
- The definition of 'conviction' has been widened to include warnings, reprimands, anti-social behaviour notices and injunctions;

Whilst the Council may consider that a person with a conviction for an offence may not need to be automatically barred from obtaining a licence, it is however to be expected that the applicant would be required to remain free of conviction for an appropriate period. The draft policy provides a more detailed list of types of offences and amends the time periods to be free of conviction.

The type of offences are listed as:

- Serious offences involving violence;
- Possession of a weapon;
- Sexual and indecency offences;
- Dishonesty;
- Alcohol and drugs;
- Driving offence involving the loss of life;
- Driving offences involving alcohol and/or drugs;
- Major traffic offences;
- Minor traffic offences;
- Totting up disqualifications;
- Insurance offences; and
- Offences committed whilst on duty as a licensed driver.

A list of offences are provided under each of the offence types (above)

3.3 Outcome 3 - Licensed drivers hold the necessary knowledge in relation to safeguarding and child sexual exploitation (CSE)

## Current situation

The link between taxis and CSE has been well publicised in recent years, including the Rotherham case and more recently in Lancashire. Currently, having a knowledge of safeguarding and CSE is not a requirement.

### Proposal 3

To amend the fit and proper person policy by introducing a requirement for applicants / drivers to undergo training in safeguarding children and young adults / CSE Drivers will learn about how they can identify signs of CSE and how to report any suspicions.

The proposed training will be delivered in one half day session and will include the following topics:

- What is Child Sexual Exploitation (CSE)
- What do we know about CSE
- How could this affect you as a taxi driver?
- How are young people targeted (This will include a short video clip on the grooming process)
- The impact of exploitation on children and young people
- What can you do to help and what help is available for you?
- Local Incident Response process (including contact details)

All new applicants will be required to undergo the training within 12 months of being licensed. Existing drivers must undergo the training within 12 months of the introduction of this policy. The training courses will be free to attend until 31 December 2017. After this date there will be a charge to cover the costs of running the courses.

- 3.4 Outcome 4 - Licensed drivers demonstrate the correct behaviours incorporating a smart and professional appearance

## Current situation

On 9 September 2010 Licensing Committee introduced a code of conduct for licensed drivers. The code includes a requirement for drivers to 'pay attention to personal hygiene and dress so as to present a professional image to the public'. The private hire driver licence conditions require a driver to comply with the code of conduct.

The current hackney carriage byelaws do not require a driver to comply with the code of conduct, meaning the dress code cannot be enforced in relation to hackney carriage drivers.

### Proposal 4

To amend the driver code of conduct (Appendix 3) by:

- further defining the dress code, making it clearer to drivers what is acceptable. The dress code would be defined by a list of clothing items that are acceptable and a list of clothing items that do not present a professional image;
- further detailing correct and incorrect driver behaviours;
- adding the procedure for reporting safeguarding concerns.

## Proposal 5

To amend the byelaws (Appendix 4) by adding the following requirement:

The driver of a hackney carriage shall comply with the NWLDC Code of Conduct for hackney carriage and private hire drivers.

### **4.0 CONSULTATION PROCESS**

4.1 Comments made by Licensing Committee on 5 October 2016 will be used to shape the final draft for wider consultation.

4.2 A 12 week consultation period will commence on 14 October 2016 and end on 6 January 2017. The following individuals and groups will be consulted:

All current private hire and hackney carriage licence holders;  
Leicestershire County Council;  
local interest groups, including hospitals and tourist attractions;  
Leicestershire Police;  
transport stakeholders – bus, coach providers  
Licensing Committee

4.3 Consumers and passengers will also be consulted by placing the consultation documents on the Council's web site.

### **5.0 FUTURE AMENDMENTS TO DRIVER CODE OF CONDUCT**

5.1 The driver code of conduct will require further amendment from time to time to reflect changes to legislation and central government policy and practice. In order to ensure that any such changes in legislation and central government policy are effectively reflected in the policy without unnecessary reference to Licensing Committee it is proposed that such amendments are delegated to the Environmental Health Team Manage following consultation with the Portfolio Holder

### **6.0 NEXT STEPS**

Policy and conditions

6 October	Devise final draft for wider consultation (considering comments made by Licensing Committee)
14 October	Consultation process to commence
6 January	Consultation process to end
22 February 2017	Report and draft policy and conditions to Licensing Committee for approval

Byelaws

6 October	Devise final draft for wider consultation (considering comments made by Licensing Committee)
14 October	Consultation process to commence
6 January	Consultation process to end
23 February 2017	Report and draft byelaw to Council for approval
March 2017	Submit byelaw to Secretary of State for confirmation

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## **COUNCIL POLICY RELATING TO THE RELEVANCE OF CONVICTIONS**

**Definition:** For the purposes of this policy a conviction is defined as:

- **A sentence imposed by a Court**
- **A formal caution**
- **A fixed Penalty Notice**

### **General Policy**

- (a) Each case will be decided on its own merits.
- (b) A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but should be expected to remain free of conviction for 3 to 5 years, according to the circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are exceptional mitigating circumstances. However, persons with convictions for offences of a sexual or child related nature or other very serious crime will not normally be issued with a licence. The overriding consideration should be the protection of the public and all other matters, including unemployment, shall be secondary to the public safety factor.

### **Minor Traffic Offences**

- (a) Convictions for minor offences e.g. obstruction, waiting in a restricted street, speeding etc. should not prevent a person from proceeding with an application. If sufficient points have been accrued to require a period of disqualification of the applicant's driving licence then a dual or private hire vehicle driver's licence may be granted after its restoration but a warning should be issued as to future conduct.

### **Major Traffic Offences**

- (a) An isolated conviction for driving without due care and attention or dangerous driving etc. (depending on the circumstances of the individual case) should normally merit a warning as to future driving and advice on the standard expected of hackney carriage and private hire vehicle drivers. More than one conviction for this type of offence within the last two years should merit refusal and no further application should be considered until a period of 1 to 3 years free from conviction has elapsed.

An applicant with a conviction for any of the following motoring offences should be refused and no further application should be considered until a period of 3 to 5 years free from conviction has elapsed. A period of 12 months must also have elapsed since the end of any disqualification period:

Using a vehicle uninsured against third party risks,  
Reckless driving,  
Driving whilst disqualified,  
Driving or attempting to drive whilst under the influence of drugs or drink.

### **Procedure on Reaching 12 Penalty Points on DVLA Driving Licence**

- (a) Certain driving offences can attract a punishment of penalty points on a DVLA driving licence and once a person has attracted 12 or more points within a 3 year period they are likely to be disqualified by the courts under the 'totting up' procedures.
- (b) The accumulation of 12 or more DVLA driving points within a 3 year period will cause this Authority to consider whether that person is a 'fit and proper' person to be licensed as a taxi/hackney driver.
- (c) Any hackney carriage/private hire driver licensed with this Authority who has been disqualified from driving by a court of law under this 'totting up' procedure will automatically have their dual/private hire driver's licence revoked.
- (d) Should any driver accumulate 12 or more points on their DVLA driving licence within a 3 year period and retain their driving licence, there will be a rebuttable presumption that their dual/private hire drivers licence will be either suspended or revoked unless the driver can show good cause as to why their licence should not be suspended or revoked and that they are a fit and proper person.
- (e) Once the Authority has been notified by a driver or has received notification that a driver has accumulated 12 or more points within a 3 year period it will write to the driver informing them of the presumption to either suspend or revoke their taxi/hackney licence. The driver will then have 14 days to make a written reply stating why the licence should not be suspended or revoked. It is a condition that drivers must inform the Authority of any convictions they receive. Failure to do so may result in their licence being suspended or revoked.
- (f) Where a decision has been taken by the Authority to suspend or revoke a licence under paragraph 5 they shall give to the driver notice of the grounds on which the licence has been suspended or revoked within fourteen days of such suspension or revocation and the driver shall on demand return to the district Council the driver's badge issued to him.

### **Criminal Convictions**

- (a) An applicant with a conviction for a drug related offence should be required to show a period of at least 3 years free of convictions before an application is entertained, or 5 years after detoxification treatment if he/she was an addict.
- (b) As hackney carriage and private hire vehicles drivers often carry unaccompanied passengers, applicants with convictions for offences of a sexual or child related nature or other very serious crime will not normally be issued with a licence.
- (c) As hackney carriage and private hire drivers maintain close contact with the public, firm line should be taken with applicants who have convictions for grievous bodily harm, wounding or assault. At least 3 years free of such convictions should be shown before an application is entertained and even then a strict warning should be administered.
- (d) Hackney carriage and private hire vehicle drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare, etc. For these reasons a serious view should be taken of any conviction involving dishonesty. In general, a period of 3 to 5 years free of conviction should be required before entertaining an application.

## 7.0 COUNCIL POLICY RELATING TO THE RELEVANCE OF CONVICTIONS

### 7.1 Introduction

7.1.1 This policy provides guidance when determining whether an applicant or an existing licence holder is a fit and proper person to hold a Hackney Carriage and/or Private Hire driver or Operator Licence. Any decision will be made on the balance of probabilities and not beyond all reasonable doubt.

7.1.2 It is the responsibility of North West Leicestershire District Council (referred to as the Council) to issue Hackney Carriage and Private Hire licences under the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847. In exercising this duty the Council will consider the safety of the public as its primary consideration.

7.1.3 In seeking to safeguard the public, the licensing authority will seek to ensure:

- That a person is a fit and proper person in accordance with Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II)
- That the person does not pose a threat to the public
- That the public are safeguarded from dishonest persons
- The safety of children, young persons and vulnerable adults

7.1.4 The term “Fit and Proper Person” for the purposes of licensing is not legally defined and in assessing whether someone may be “Fit & Proper” the Licensing Authority will consider the following, along with any other relevant information:

- Criminality
- Human Rights
- Period of holding a driver’s licence
- Number of endorsed driving licence penalty points
- Right to work
- Medical fitness
- Driving ability test
- The fitness and propriety of Private Hire Operators, ensuring the business is run in a safe and professional manner, having regard to management controls, compliance with the law and that drivers are properly monitored to ensure that they behave in an appropriate manner and comply with their duties and responsibilities, including the monitoring of drivers hours
- The conduct of the applicant in making the application (e.g. whether they have acted with openness and integrity during the application process).
- The previous licensing history of existing / former licence holders and any complaints made against them and investigated by any local authority licensing service

In addition the Council will also consider further information from other sources such as the Police, Children and Adult Safeguarding Boards and other statutory agencies.

7.1.5 This policy provides guidance to any person with an interest in taxi and private hire licensing. In particular, but not exclusively:

- Applicants for a driver's licence
- Existing licensed drivers whose licences are being reviewed
- The holders of Private Hire Operators licences
- Licensing officers
- Members of the licensing committee/sub-committee
- Magistrates hearing appeals against local authority decisions

7.1.6 In considering this guidance the Council will be mindful that each case must be considered on its individual merits and, where the circumstances demand a licensing sub-committee considering an application or conducting a review may depart from the guidelines. Where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction [Nottingham City v Mohammed Farooq (1998)]

7.1.7 In this policy the word "Conviction" is to be defined as including convictions, cautions, warnings, reprimands, fixed penalty notices, Anti-Social Behaviour notices and injunctions and other relevant information. In this policy 'from date sentence has ended' is taken to be the date which is reached once the whole of the period as sentenced by the court has elapsed and not necessarily the length of time served by the applicant. For example, if a sentence is five years imprisonment then the date that the sentence ends will be five years from the date of sentencing – regardless of the amount of time actually served by the applicant. If the sentence is amended by a court at a later date then the new sentence becomes relevant for the purposes of this policy. The term 'since completion of sentence' is to be construed in a similar way.

7.1.8 In this policy the word applicant refers to either new applicants or those existing licence holders who are seeking renewal.

## **7.2 General Policy**

7.2.1 Whilst the Council may consider that a person with a conviction for a serious offence may not need to be automatically barred from obtaining a licence, it is however to be expected that the applicant would be required to:

- a. Remain free of conviction for an appropriate period as detailed below; and
- b. Show adequate evidence that they are a fit and proper person to hold a licence (the onus is on the applicant to produce such evidence).

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.

7.2.2 The Council may depart from this policy if good reasons exist.

## **Outstanding Charges or Summonses**

- 7.2.3 If an outstanding charge or summons involves a serious offence and/or the individual's antecedent history indicates a pattern of unlawful behaviour or gives rise to concern about the applicant's character, then in the interests of public safety the application should normally be put on hold until proceedings are concluded or the licence may be refused.

### **Non-conviction Information**

- 7.2.4 If an applicant has been arrested or charged, but not convicted, for a serious offence/s which suggests he could be a danger to the public, consideration should be given to refusing the application.
- 7.2.5 In assessing the action to take, the safety of the public must be the paramount concern.
- 7.2.6 Where an applicant has had a Hackney Carriage/Private hire driver's licence revoked by another local authority, the Council will not normally grant a licence.

## **7.3 Powers**

- 7.3.1 Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allow the licensing authority to suspend, revoke or refuse to renew a licence if:
- the application/licence holder has been convicted of an offence involving dishonesty, indecency, violence;
  - failure to comply with the provisions of the Town Police Clauses Act 1847;
  - failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976;
  - or any other reasonable cause.
- 7.3.2 The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, allows the licensing authority to take into account all convictions recorded against an applicant or the holder of a Private Hire Vehicle or Hackney Carriage driver's licence, whether spent or not. Therefore the licensing authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending. In accordance with this Act, all convictions, cautions, warnings and reprimands must be declared by the Applicant.
- 7.3.3 Under the provisions of Sections 51, 55 and 59, of the Local Government (Miscellaneous Provisions) Act 1976, the licensing authority must be satisfied that an applicant for the grant or renewal of a Hackney Carriage and/or a Private Hire Vehicle driver's licence and/or Private Hire Vehicle Operator's licence is a "fit and proper" person to hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the licensing authority will consider:
1. How relevant the offence(s) are to the licence being applied for
  2. How serious the offence(s) were/are
  3. When the offence(s) were committed
  4. The date of the alleged offence/conviction
  5. Circumstances of the individual concerned
  6. Sentencing options of the court/Sentence imposed by the court
  7. The applicant's age at the time of conviction/charge

8. Whether they form part of a pattern of offending
9. Any other character check considered reasonable (e.g. personal references)
10. Any other factors that might be relevant, for example:
  - (a) The previous conduct of an existing or former licence holder,
  - (b) Whether the applicant has intentionally misled the council or lied as part of the application process,
  - (c) Information provided by other agencies / council departments.

7.3.4 Existing holders of driver's licences are required to notify the licensing authority in writing within seven days of receiving a driving licence endorsement, fixed penalty notice or criminal conviction (including cautions). Failure to do so will raise concerns as to the honesty of the licence holder and may be taken into account as part of any subsequent renewal applications or reviews.

7.3.5 Applicants can informally discuss further what effect a caution/conviction may have on any application or existing licence by contacting the Licensing Office in confidence for advice. The Council will not be bound by any advice given by individual officers and reserves its full powers.

7.3.6 The Council conducts enhanced disclosures from the Disclosure and Barring Service (DBS) of any applicant for a driver's licence. Applicants applying for the grant or a renewal of a driver's licence will be required to obtain an enhanced disclosure at their expense, or subscribe to the update service and also at other times as determined by the Council.

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

7.3.8 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence. (Section 57(3) Local Government (Miscellaneous Provisions) Act 1976). Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused and may be prosecuted under the Fraud Act 2006.

7.3.9 For renewal applications and current licence holders the guidance will not be applied retrospectively. The policy will be applied if any additional convictions are incurred or brought to the attention of the Council that would call into question a person's suitability to hold a licence.

7.3.10 Any offences not covered by this Policy will not prevent the Council from taking into account the offences.

#### **7.4 Policy on immediate revocation/suspension of driver's licence**

7.4.1 If the Council decides to revoke or suspend a driver's licence, it will then have to consider whether that revocation/suspension should take immediate effect under Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.

7.4.2 The Council only has the power to resolve that the revocation/suspension will take immediate effect if it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect. In 'The interests of public safety' is not defined and is for the Council to determine. However, regard will be had to any risks to public safety arising from concerns about the licence-holder's driving standards, his

character including but not limited to dishonesty, violent behaviour, involvement in drink or drugs, inappropriate sexual conduct, any relevant previous convictions and any other matters the Council may deem relevant.

- 7.4.4 The overriding consideration shall always be the safety and protection of passengers and the general public.
- 7.4.5 Matters such as unemployment and home circumstances should not be taken into account when determining whether the revocation or suspension will take place immediately and therefore shall not outweigh the public safety factor.
- 7.4.6 Where the Council has decided that a licence-holder is no longer “fit and proper” to hold a licence, for reasons of public safety, the presumption will be that the revocation of the licence shall have immediate effect.
- 7.4.7 If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, the Council will give notice to the driver, which includes a statement to that effect and an explanation why, the suspension or revocation takes effect when the notice is given to the driver.

### **Appeals**

- 7.4.8 Any applicant refused a driver's licence, or who has their licence suspended or revoked on the grounds that the licensing authority is not satisfied they are a fit and proper person to hold such a licence has a right to appeal to the Magistrate's Court within 21 days of the notice of refusal [Local Government (Miscellaneous Provisions) Act 1976, s77 (1)].

## **7.5 Considerations given to Offences**

This section deals with the types of offences and applies to **new and renewal applications**, and upon **review** of a current licence.

### **Serious Offences Involving Violence**

- 7.5.1 Licensed drivers have close regular contact with the public. A firm line will be taken with those who have convictions for offences involving violence. An application will normally be refused if the applicant has a conviction for an offence that involved the loss of life.
- 7.5.2 Unless there are exceptional circumstances a licence will **not normally** be granted where the applicant has a conviction for an offence such as:
  - 1. Murder
  - 2. Manslaughter
  - 3. Manslaughter or culpable homicide while driving
  - 4. Terrorism offences
  - 5. Kidnapping or abduction
  - 6. Or any similar offences (including attempted or conspiracy to commit) offences which replace the above
- 7.5.3 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) to those below and at least **10 years** have passed since the completion of any sentence and /or licence period:
  - 1. Arson
  - 2. Malicious wounding or grievous bodily harm which is racially aggravated
  - 3. Actual bodily harm which is racially aggravated
  - 4. Grievous bodily harm with intent
  - 5. Malicious wounding or grievous bodily harm

6. Robbery
7. Possession of firearm
8. Riot
9. Assault Police
10. Common assault - racially aggravated
11. Violent disorder
12. Threats to kill
13. Resisting arrest
14. Hate crime against a person
15. Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

7.5.4 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the offences below and at least **5 years** have passed since the completion of any sentence and/or licence period:

1. Racially-aggravated criminal damage
2. Racially-aggravated offence
3. Hate crime against property
4. Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

7.5.5 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the offences below and at least **3 years** have passed since the completion of any sentence and/or licence period:

1. Common assault/Battery
2. Assault occasioning actual bodily harm
3. Affray
4. S5 Public Order Act 1986 offence (harassment, alarm or distress)
5. S.4 Public Order Act 1986 offence (fear of provocation of violence)
6. S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
7. Obstruction
8. Criminal damage
9. Harassment
10. Offences involving anti-social behaviour
11. Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

7.5.6 A licence will not normally be granted if an applicant has more than one conviction in the last **10 years** for an offence of a violent nature.

7.5.7 In the event of a licence being granted, despite convictions against the Applicant, a strict warning both verbally and in writing should be administered. If a warning is issued, this will remain in place for a period commensurate with the time periods in the relevant sections above.

### **Possession of a Weapon**

7.5.8 If an applicant has been convicted of possession of a weapon or any other weapon related offence, depending on the circumstances of the offence, at least **3 years** must have passed since the completion of the sentence, before a licence is granted.

### **Sexual and Indecency Offences**

7.5.9 As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinised. All sexual offences should be

considered as serious. Applicants with convictions for sexual offences will **normally be refused a licence upon application, renewal or review.**

Such offences include:

1. Rape
2. Assault by penetration
3. Offences involving children or vulnerable adults
4. Grooming, Trafficking or other Sexual Exploitation related offences (adults and/or children)
5. Making or distributing obscene material
6. Possession of indecent photographs depicting child pornography.
7. Sexual assault
8. Indecent assault
9. Exploitation of prostitution
10. Any similar offences (including attempted or conspiracy to commit) offences which replace the above

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

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

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

7.5.12 In addition to the above the licensing authority will **not normally grant a licence** to any applicant who is currently on the Sex Offenders Register or any other similar register.

### **Dishonesty**

7.5.13 A licensed driver is expected to be trustworthy. In the course of their working duties drivers will deal with cash transactions and valuable property may be left in their vehicles. Drivers may well deal with customers who are vulnerable or intoxicated and potentially easily confused. For these reasons, a serious view is taken of any conviction involving dishonesty.

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

1. theft
2. burglary
3. fraud
4. benefit fraud
5. handling or receiving stolen goods
6. forgery
7. conspiracy to defraud
8. obtaining money or property by deception
9. other deception
10. taking a vehicle without consent
11. or any similar offences (including attempted or conspiracy to commit) offences which replace the above

- 7.5.15 Applicants or existing licence holders that are found to have intentionally misled the council, or lied as part of the application process, will not normally be issued with a licence and may be prosecuted under the Fraud Act 2006.

### **Alcohol and Drugs**

- 7.5.16 An isolated conviction for drunkenness need not debar an applicant from gaining a licence. In some cases, a warning may be appropriate. However, a number of convictions for drunkenness, including drunk and disorderly or drunk and incapable, could indicate a medical problem necessitating critical examination and refusal of a licence.
- 7.5.17 In addition, the applicant will normally be required to show a period of **10 years** has elapsed after completion of detoxification treatment if (s)he was an alcoholic.
- 7.5.18 A serious view is taken of any drug related offence. The nature and quantity of the drugs, whether for personal use or supply are issues which should be considered.
- 7.5.19 A licence will not normally be granted where the applicant has more than one conviction for offences related to the supply of drugs and has not been free of conviction for **10 years**.
- 7.5.20 A licence will not normally be granted where the applicant has more than one conviction for offences related to the possession of drugs and has not been free of conviction for **5 years**.
- 7.5.21 An application from an applicant who has an isolated conviction for an offence related to the possession of drugs within the last **3-5 years** may be granted a licence, but consideration should be given to the nature and quantity of the drugs.
- 7.5.22 If there is evidence of persistent drug use, misuse or dependency, a specialist examination (in accordance with the DVLA group two medical standards) may be required before the licence is granted. If the applicant was an addict then they would normally be required to show evidence of **5 years** free from drug taking after detoxification treatment.

### **Driving Offences Involving the Loss of Life**

- 7.5.23 A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life. A licence will not normally be granted if the applicant has a conviction for:
1. Causing death by dangerous driving;
  2. Causing death by careless driving whilst under the influence of drink or drugs;
  3. Causing death by driving: unlicensed, disqualified or uninsured drivers;
  4. Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.
- 7.5.24 Before a licence is granted, an applicant should be free of conviction for **10 years** (or at least **10 years** must have passed since the completion of the sentence, whichever is longer) if the applicant has a conviction for:
1. Causing death by careless driving
  2. Causing death by driving: unlicensed, disqualified or uninsured drivers.

### **Driving Offences Involving Alcohol and/or Drugs**

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

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

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

### **Major Traffic Offences**

- 7.5.27 Subject to the above paragraphs an isolated conviction for a major traffic offence, without disqualification, such as dangerous driving or driving without due care and attention will require careful consideration of the facts and will at the very least merit a warning as to future driving and advice on the standard expected of hackney carriage and private hire drivers. However, where the conviction is within **6 months** prior to the date of the application the application will normally be refused.
- 7.5.28 In cases of disqualification at least **3 years** free from conviction after the restoration of the DVLA licence should normally elapse before an applicant is granted a licence.
- 7.5.29 Where an applicant has been convicted of a major traffic offence which has not resulted in disqualification, careful consideration should be given to the circumstances surrounding the offence. An application for a licence will normally be refused where the offence occurred less than **2 years** prior to the application.
- 7.5.30 Where an existing licence holder is disqualified from driving as a result of a conviction for a major traffic offence, the licence will normally be revoked.
- 7.5.31 Where an existing licence holder is convicted of a major traffic offence, but the licence-holder is not disqualified from driving, the licence should normally be revoked or not renewed and any subsequent application for a new licence will be determined in accordance with the guidance above.
- 7.5.32 A list of offences to which this section applies is attached as **Appendix one**.

### **Minor Traffic Offences**

- 7.5.33 Isolated convictions for minor traffic offences should not prevent a person from proceeding with an application. However, the number, type and frequency of this type of offence will be taken into account. If there are several minor traffic offences the applicant will normally be expected to show a period free of conviction of at least 6 months.
- 7.5.34 An application with a points total **above 7** will merit further consideration. A licence will normally be refused where the applicant has **12 or more penalty points** on his DVLA licence for minor traffic offences but has not been disqualified from driving.
- 7.5.35 Where an offence has resulted in the applicant being disqualified from driving for a period of time this will normally be taken as reflecting seriously on the applicant's driving standard.
- 7.5.36 Generally, a period of **12 months** free from conviction must have elapsed from the restoration of the DVLA licence.
- 7.5.37 Where an existing licence holder is disqualified from driving the licence will normally be revoked under delegated powers.
- 7.5.38 A list of offences to which this section applies is attached as **Appendix two**

### **Totting Up Disqualifications**

7.5.39 Where a number of traffic offences has resulted in a driver receiving **12 penalty** points or more on his/her licence the driver will be disqualified from driving unless the Court is satisfied that exceptional hardship would be suffered by an individual if disqualified. This is known as a “totting-up” disqualification. Where an applicant has a totting-up disqualification an application will usually be refused until a period of between **12 months and 2 years** has lapsed from the restoration of the DVLA licence depending on the seriousness of the offences which led to the totting up.

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

### **Hybrid Traffic Offences**

7.5.41 Offences of the type listed in **Appendix three** will be treated as **major** traffic offences if the court awarded **4** or more penalty points for the offence and as **minor** traffic offences if the court awarded **3** or less penalty points for the offence.

7.5.42 Any applicant who has committed an offence of plying for hire within 6 months of their application will normally be refused a licence. Any existing licence holder found to have committed this offence will be judged on the circumstances of the case, and at the least suspension of the licence should be considered. Where a driver is convicted on more than one occasion the licence may be revoked or not granted. In any offence of plying for hire consideration will be given to a further charge of driving without insurance. The onus will be on the applicant to prove that there was valid insurance in place at the time of the offence.

### **Insurance Offences**

7.5.43 A serious view will be taken of convictions of driving a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided the applicant has been free of conviction for **3 years**. However, a strict warning should be given as to future behaviour. More than one of these offences would normally prevent a licence being granted or renewed. Isolated incidents associated with a licensing offence will not necessarily prevent a licence being granted or renewed. Each case will be considered on its merits.

7.5.44 At least **3 years** should elapse (after restoration of the DVLA driving licence), before a licence would normally be granted for a hackney carriage or private hire driver's licence. An operator found guilty of aiding and abetting the driving of passengers for hire and reward whilst without insurance will have his operator's licence revoked immediately and will be prevented from holding a licence for **3 years**.

### **Offences Committed Whilst on Duty as a Licensed Driver**

7.5.45 It is unlikely that any applicant who has previously been a licensed driver and has had their driver's licence revoked after committing offences whilst **on duty** as a licensed driver will be granted a driver's licence with this authority.

## **Appendix One**

### **MAJOR TRAFFIC OFFENCES**

AC10 Failing to stop after an accident

AC20 Failing to give particulars or to report an accident within 24 hours

AC30 Undefined accident offences

BA10 Driving while disqualified by order of court

BA30 Attempting to drive while disqualified by order of court

BA40 Causing death by driving while disqualified

BA60 Causing serious injury by driving while disqualified

CD10 Driving without due care and attention

CD20 Driving without reasonable consideration for other road users

CD30 Driving without due care and attention or without reasonable consideration for other road users

CD40 Causing death through careless driving when unfit through drink \*

CD50 Causing death by careless driving when unfit through drugs \*

CD60 Causing death by careless driving with alcohol level above the limit \*

CD70 Causing death by careless driving then failing to supply a specimen for analysis \*

CD80 Causing death by careless or inconsiderate driving \*

CD90 Causing Death by driving: unlicensed, disqualified or uninsured drivers \*

DD40 Dangerous driving

DD60 Manslaughter or culpable homicide while driving a vehicle \*

DD80 Causing death by dangerous driving \*

DD90 Furious driving

DG60 Causing death by careless driving with drug level above the limit\*

**The above offences marked \* are dealt with in the section entitled driving offences involving the loss life**

DR10 Driving or attempting to drive with alcohol level above limit +

DR20 Driving or attempting to drive while unfit through drink +

DR31 Driving or attempting to drive then refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity

DR40 In charge of a vehicle while alcohol level above limit +

DR50 In charge of a vehicle while unfit through drink +

DR60 Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive

DR61 Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive +

DR70 Failing to provide specimen for breath test +

DR80 Driving or attempting to drive when unfit through drugs +

DR90 In charge of a vehicle when unfit through drugs +

DG10 Driving or attempting to drive with drug level above the specified limit

DG40 In charge of a vehicle while drug level above the specified limit

**The above offences marked + are dealt with in the section entitled alcohol and drugs**

IN10 Using a vehicle uninsured against third party risks

LC20 Driving otherwise than in accordance with a licence

LC30 Driving after making a false declaration about fitness when applying for a licence

LC40 Driving a vehicle having failed to notify a disability

LC50 Driving after a licence has been revoked or refused on medical grounds

MS50 Motor racing on the highway

UT50 Aggravated taking of a vehicle

TT99 signifies a disqualification under the totting up procedure 12 or more points within three years

## MINOR TRAFFIC OFFENCES

- CU10 Using vehicle with defective brakes
- CU20 Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
- CU30 Using a vehicle with defective tyre(s)
- CU40 Using a vehicle with defective steering
- CU50 Causing or likely to cause danger by reason of load or passengers
- CU80 Using a mobile phone while driving a vehicle
  
- MS10 Leaving a vehicle in a dangerous position
- MS20 Unlawful pillion riding
- MS30 Play street Offences
- MS40 Driving with uncorrected defective eyesight or refusing to submit to a test
- MS60 Offences not covered by other codes
- MS70 Driving with uncorrected defective eyesight
- MS80 Refusing to submit to an eyesight test
- MS90 Failure to give information as to the identity of driver etc.
  
- MW10 Contravention of Special Road Regulations (excluding speed limits)
  
- PC10 Undefined contravention of Pedestrian Crossing Regulations
- PC20 Contravention of Pedestrian Crossing Regulations with moving vehicle
- PC30 Contravention of Pedestrian Crossing Regulations with stationary vehicle
  
- SPI0 Exceeding goods vehicle speed limit
- SP20 Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
- SP30 Exceeding statutory speed limit on a public road
- SP40 Exceeding passenger vehicle speed limit
- SP50 Exceeding speed limit on a motorway
- SP60 Undefined speed limit offence
  
- TS10 Failing to comply with traffic light signals
- TS20 Failing to comply with double white lines
- TS30 Failing to comply with a "Stop" sign
- TS40 Failing to comply with direction of a constable/ warden
- TS50 Failing to comply with traffic sign (excluding "Stop" sign, traffic lights or double white lines)
- TS60 Failing to comply with school crossing patrol sign
- TS70 Undefined failure to comply with a traffic direction sign

## HYBRID TRAFFIC OFFENCES

CU10 Using vehicle with defective brakes

CU20 Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition

CU30 Using a vehicle with defective tyre(s)

CU40 Using a vehicle with defective steering

CU50 Causing or likely to cause danger by reason of load or passengers

SPI0 Exceeding goods vehicle speed limit

SP20 Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)

SP30 Exceeding statutory speed limit on a public road

SP40 Exceeding passenger vehicle speed limit

SP50 Exceeding speed limit on a motorway

SP60 Undefined speed limit offence

Other non endorsable motoring offences i.e. no MOT

### NOTE:

All offences in Appendix One to Three may also show the following codes

Aiding, abetting, counselling or procuring

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

Causing or permitting

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

Inciting

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

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# **Code of Conduct for Hackney Carriage and Private Hire Driver's**

## Overview

Hackney Carriage and Private Hire Drivers (referred to in this document as Drivers) are in a position of trust in respect of the safety and welfare of their passengers.

The Licensing Authority, through its Licensing Team and Committees, have to ensure that all Drivers are 'fit and proper' to undertake their work as Drivers and that they also act as ambassadors for the district. It is essential that the Council and Drivers work together in order to ensure members of the public are treated with dignity and respect, including reporting any concerns.

On occasions, Drivers may become aware of, or have suspicions that, their passengers may be the victim of abuse, neglect or exploitation either sexual or otherwise, or at risk of becoming a victim. In addition, Drivers themselves may be accused of misconduct or inappropriate behaviour through the misinterpretation of the Driver's actions or conversation.

Therefore, North West Leicestershire District Council has introduced this **Code of Conduct** which is aimed at providing the best possible service by protecting both passengers and Drivers. This ensures that concerns, suspicions of abuse, neglect or exploitation can be reported appropriately and minimise the risk of misunderstandings.

Drivers are required to comply with this Code of Conduct. Failure to do so may result in the Driver being questioned by a Licensing Officer or referred to the Licensing Sub-Committee to explain the circumstances surrounding any incident. In the event of a repeated and/or serious failure to comply, Drivers can expect that consideration will be given to the suspension or revocation of their licence.

~~In order to promote Public safety with regard to hackney carriage and private hire licensing, the Council has adopted the following Code of Conduct, which should be read in conjunction with the other statutory and policy requirements set out in this document.~~

~~The adoption of a Code of Conduct is a fundamental step in the attempt to improve the ethical culture in today's business world and, more specifically, to prevent unethical behaviour within the trade.~~

~~Licence holders can gain several benefits when they adhere to a core set of ethical values embodied in a code of conduct, including;~~

- ~~• Greater motivation amongst staff,~~
- ~~• A demonstrated respect for the law,~~
- ~~• Protection of the company's reputation or brand,~~
- ~~• Improves business relationships,~~

## CODE OF CONDUCT FOR LICENSED DRIVERS

It should be noted that the Code does not override any obligations that are detailed in legislation, licence conditions or contractual obligations, such as County Council contracts.

### **4. General**

#### **4.1 Drivers shall:**

- a) Act in a professional manner at all times;
- b) Treat passengers and other road users with respect;
- c) Keep relationships with passengers on an appropriate, professional basis;
- d) Respect all individuals – regardless of age, disability, gender, sexual orientation, gender reassignment, religion/belief, language spoken, race or ethnicity;
- e) Pay attention to personal hygiene and dress so as to present a professional image to the public. This is further defined below;
- f) Be polite, helpful and fair to passengers, particularly disabled passengers whose mobility may be restricted-;
- g) Drive with care and due consideration for other road users and pedestrians;
- ~~not use a hand held mobile phone whilst driving;~~
- ~~Obey all Traffic Regulation Orders and directions at all times;~~
- h) Ensure that there is no smoking in the vehicle at all times;
- i) Comply with all Traffic Regulation Orders and directions at all times;
- j) Fulfil their responsibility to ensure compliance with common sense and any legislation regarding the length of working hours;
- k) Undertake a vehicle check, i.e. lights, tyres & pressures, engine fluids, prior to starting shifts to ensure roadworthiness;
- l) Undertake suitable training.

#### **And be aware of:**

- a. Safety and well-being of passengers must be paramount;
- b. The importance of the use of appropriate language;
- c. Be aware of the vulnerability of children and adults;
- d. Be aware of passengers with special needs;
- e. Any instruction given about the care or first aid requirements of a passenger;

- f. Personal beliefs and standards, including dress and religion;
- g. Passengers misreading situations;
- h. The use of social networking sites such as Facebook and Twitter. These are public websites and therefore passengers conveyed may access a Driver's site. Ensure you use the appropriate privacy settings to avoid passengers viewing your social media sites.

**Drivers should never:**

- a) Become over-friendly or unprofessional in any way with passengers or engage in any form of inappropriate relationship;
- b) Inappropriately touch a passenger;
- c) Administer medication unless a specific request has been made by the hirer;
- d) Photograph or video passengers in your care unless used in compliance with data protection legislation and any relevant codes of practice;
- e) Engage with passengers through social networking sites other than for clear and obvious business connections;
- f) Phone or send text messages to passengers other than directly concerning the hiring of your vehicle;
- g) Swear, make personal/humiliating comments, or tell inappropriate jokes;
- h) Offer cigarettes or gifts of any sort;
- i) Stop anywhere other than the specified pick up/drop off points unless requested by the hirer;
- j) Use a hand held mobile phone whilst driving;
- k) Consume alcohol before or at any time whilst driving or being in charge of a hackney carriage or private hire vehicle;
- l) Drive while having used illegal or misused legal drugs;
- m) Act contrary to the advice of a medical practitioner;

**Safeguarding:**

If a driver has concerns or suspects abuse, neglect or exploitation of a passenger then these should not be ignored. If there are any suspicions or concerns about the way someone is being treated it is important to report this. The safeguarding of children and vulnerable adults is everybody's responsibility. Remember that your information could help a vulnerable child or adult.

If a driver is working under a Leicestershire County Council contract then their guidance and procedures should be followed alongside any training received. Otherwise the following procedures should be complied with in reporting any

information or suspicions you may have of anyone being subject to abuse, neglect or exploitation:

Action to be taken if you have concerns:

- a. If your concerns are of an urgent matter or you believe that a crime has been committed and there is an immediate risk of danger, telephone the police on **999**.
- b. If you are suspicious or are concerned that a child or an adult is suffering or is likely to suffer significant harm, including any form of mistreatment, abuse, neglect or exploitation but it is not of an urgent matter, please call Leicestershire Police on 101.

## **~~1. Responsibility to the Trade~~**

~~1.1 Licence holders must comply with the following:~~

- ~~a) comply with this Code of Conduct;~~
- ~~b) comply with all the Conditions of their hackney carriage and private hire licence's and the Council's Fit and Proper Persons Policy;~~
- ~~c) behave in a civil, orderly and responsible manner at all times.~~

## **~~2. Responsibility to Customers~~**

~~2.1 Private hire and hackney carriage drivers are professional drivers and must be aware of the safety of their passengers and the safety of their vehicles at all times.~~

~~2.2 Licence holders shall comply with the hackney carriage and private hire vehicle conditions.~~

## **Responsibility to Residents**

To avoid nuisance to residents when picking up or waiting for a fare, a driver shall:

- a) not sound the vehicle's horn illegally or repeatedly;
- b) keep the volume of audio and communications equipment to a reasonable level;
- c) switch off the engine if required to wait or on ranks; and
- d) take all reasonable measures to avoid disturbance to residents in the neighbourhood.

At taxi ranks where hackney carriages ply for hire by forming queues, drivers shall, in addition to the requirements above:

- a) queue in an orderly manner and proceed along the rank in order and promptly; and
- b) remain in the vehicle or in close proximity of the vehicle.

At private hire offices a licence holder shall:

- a) not allow their audio or communications equipment to cause disturbance to residents of the neighbourhood; and
- b) take reasonable action to avoid disturbance to residents of the neighbourhood which might arise from the conduct of their business.

### Driver Dress Code – Professional image

The following items of clothing are examples of **acceptable dress**:

- Smart trousers or skirt
- Smart shirt or blouse
- Polo shirt
- Smart shoes or trainers
- Smart jeans
- Smart jumper or cardigan

The following items of clothing must **never** be worn:

- Flip flops
- Baseball caps
- Tracksuits or shell suits or components of
- Shorts
- Swimwear
- Sports shirts or replica sports shirts
- Scruffy trainers
- Unkempt or soiled clothing
- Dirty or ripped clothing
- Items of clothing with 'offensive' or 'suggestive' words or graphics

## **4. General**

### **4.1 Drivers shall:**

- ~~a) pay attention to personal hygiene and dress so as to present a professional image to the public;~~
- ~~b) be polite, helpful and fair to passengers, particularly disabled passengers whose mobility may be restricted ;~~
- ~~c) drive with care and due consideration for other road users and pedestrians~~
- ~~d) not use a hand held mobile phone whilst driving;~~
- ~~e) obey all Traffic Regulation Orders and directions at all times;~~
- ~~f) ensure that there is no smoking in the vehicle at all times;~~
- ~~g) not consume alcohol before or at any time whilst driving or being in charge of a hackney carriage or private hire vehicle;~~
- ~~h) not drive while having used illegal or misused legal drugs.~~
- ~~i) acted contrary to the advice of a medical practitioner;~~
- ~~j) fulfil their responsibility to ensure compliance with common sense and any legislation regarding the length of working hours;~~
- ~~k) undertake a vehicle check, i.e. lights, tyres & pressures, engine fluids, prior to starting shifts to ensure roadworthiness;~~
- ~~l) Undertake suitable training.~~

**BYELAWS**

Made under section 68 of the Town Police Clauses Act 1847, and Section 171 of the Public Health Act 1875 by the District Council of North West Leicestershire with respect to hackney carriages in the district of North West Leicestershire.

**Interpretation**

1. Throughout these byelaws “the Council” means the District Council of North West Leicestershire and “the district” means the district of North West Leicestershire.

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

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

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

3. The proprietor of a hackney carriage shall:-
  - (a) Provide sufficient means by which any person in the carriage may communicate with the driver;
  - (b) Cause the roof or covering to be kept water-tight;
  - (c) Provide any necessary windows and a means of opening and closing not less than one window on each side;
  - (d) Cause the seats to be properly cushioned or covered;
  - (e) Cause the floor to be provided with a proper carpet, mat, or other suitable covering
  - (f) Cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
  - (g) Provide means for securing luggage if the carriage is so constructed as to carry luggage;
  - (h) Provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use;
  - (i) Provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for a driver.

4. The proprietor of a hackney carriage shall cause any taximeter with which the carriage is provided to be so constructed, attached, and maintained as to comply with the following requirements, that is to say;
- (a) The taximeter shall be fitted with a key, flag, or other device the operation of which will bring the machinery of a taximeter, into action and cause the word "HIRED" to appear on the face of the taximeter;
  - (b) Such key, flag, or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
  - (c) When the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate of fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance and time in pursuance of the tariff fixed by the Council in that behalf;
  - (d) The word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
  - (e) The taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring;
  - (f) The taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

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

5. The driver of a hackney carriage provided with a taximeter shall:-
- (a) When standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
  - (b) Before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
  - (c) Cause the dial of the taximeter to be kept properly illuminated throughout any part of the hiring which is between half-an-hour after sunset and half-an-hour before sunrise, and also at any other time at the request of the hirer.
6. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof or with the seals affixed thereto.
7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:-

- (a) Proceed with reasonable speed to one of the stands appointed by the Council;
  - (b) If a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
  - (c) On arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
  - (d) From time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
8. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not make use of the services of any other person for the purpose of importuning any person to hire such carriage.
  9. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
  10. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
  11. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
  12. If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.
  13. The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:-
    - (a) Convey a reasonable quantity of luggage;
    - (b) Afford reasonable assistance in loading and unloading; and
    - (c) Afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such person.

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

14. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare in accordance with the table of fares fixed by the Council under the provisions of the Local Government (Miscellaneous Provisions) Act 1976.

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

15. (a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by the Council to be exhibited inside the carriage, in clearly distinguishable letters and figures.
- (b) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

**Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriages, and fixing the charges to be made in respect thereof.**

16. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.
17. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed in to him:-
  - (a) Carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to the office of the Council, and leave it in the custody of the officer in charge of the office on his giving a receipt for it;
  - (b) Be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council; whichever be the greater) but not more than five pounds.

**Penalties**

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

**Repeal of Byelaws**

19. The byelaws relating to hackney carriages which were made by the North West Leicestershire District Council on the 23<sup>rd</sup> day of September 1991 and which were confirmed by the Secretary of State on the 23<sup>rd</sup> day of December 1991 are hereby repealed.

THE COMMON SEAL OF NORTH WEST )  
 LEICESTERSHIRE DISTRICT COUNCIL was on )  
 7 October 2002 affixed in the presence of:- )

R A EVANS

Chairman

J R KIRKHAM

Head of Legal Services

THE FOREGOING BYELAWS ARE HEREBY CONFIRMED BY THE SECRETARY OF STATE AND SHALL COME INTO FORCE ON 23<sup>rd</sup> DAY OF APRIL 2003.

Hcph103rev