

Meeting	LICENSING COMMITTEE
Time/Day/Date	6.30 pm on Wednesday, 22 February 2017
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

Item	Pages
1. APOLOGIES FOR ABSENCE	
2. DECLARATIONS OF INTEREST	
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'.	
3. MINUTES OF PREVIOUS MEETING	
To confirm and sign the minutes of the meeting held on 23 November 2016.	3 - 6
4. REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER POLICY	
Report of the Environmental Health Team Manager	7 - 58



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 Hout
Councillor J Hout
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, 23 NOVEMBER 2016

Present: Councillor N Smith (Chairman)

Councillors G A Allman, R Ashman, J Clarke, J Cotterill, D Everitt, T Eynon, J Geary (Substitute for Councillor N Clarke), G Hoult, P Purver, V Richichi, A C Saffell and S Sheahan

In Attendance: Councillor A V Smith MBE (Portfolio Holder)

Officers: Mr S Eyre, Mr D Gill, Mr L Mansfield and Mrs R Wallace

18. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J Hoult and N Clarke.

19. DECLARATIONS OF INTEREST

There were no declarations of interest.

20. MINUTES OF PREVIOUS MEETING

Consideration was given to the minutes of the meeting held on 5 October 2016.

An amendment was requested to insert Councillor G Hoult into the attendance list as she was at the meeting.

It was moved by Councillor M Specht, seconded by Councillor J Clarke and

RESOLVED THAT:

Subject to the above amendment, the minutes of the meeting held on 5 October 2016 be approved and signed by the Chairman as a correct record.

21. PURPLE FLAG ACCREDITATION - ASHBY DE LA ZOUCH - UPDATE

The Environmental Health Team Manager presented the report to Members. He provided an update on the current position and informed Members that due to some further work required in two areas, the application would now be submitted at the end of January 2017.

As the representative Member for the project, Councillor M Specht expressed his disappointment that the application would not be submitted before the Christmas period as intended but he understood the reasons behind the decision and was happy with the proposals.

In response to a question from Councillor S Sheahan, the Environmental Health Team Manager explained that the website would be managed by Ashby Town Council and the Community Focus Team at the District Council.

It was moved by Councillor M Specht, seconded by Councillor V Richichi and

RESOLVED THAT:

The report be noted.

22. REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE POLICY AND CONDITIONS

The Environmental Health Team Manager presented the report to Members highlighting the results of the consultation for each proposal and the recommendations proposed as a result.

The Chairman reminded Members that the safety of the public was their primary concern when considering the policy but they needed to be sensible regarding the impact on taxi drivers.

Councillor S Sheahan was pleased with the outcome of proposal seven to not pursue the introduction of a livery colour for hackney carriages. After a discussion regarding the vehicle licence fee discount for ultra low emission vehicles at proposal five, Councillor S Sheahan asked that the wording be made clear that it was an annual discount each time the licence was renewed.

In response to questions regarding proposal one from Councillor V Richichi, the Licensing Team Leader explained that there was not a set timescale between the two visual inspections permitted, it was not necessary as the vehicle would only be licensed once the inspection had been successful so they would not be licensed to drive in between. He also confirmed that regular visual and mechanical inspections were undertaken throughout the year by the enforcement officers.

In response to a question from Councillor J Geary, the Licensing Team Leader confirmed that drivers were not asked to present the vehicle service history. Councillor J Geary commented that the Council were committed to ensuring the public were safe when travelling in licensed vehicles and he was concerned with some of the comments received from drivers as he felt there was some reluctance to use garages for inspections. He was alarmed as modern cars required special diagnostics due to the electronics and if drivers were inspecting for faults themselves without the appropriate equipment the car could become very dangerous for passengers. He believed that in the future officers needed to look at ensuring drivers regularly serviced their vehicles.

Councillor J Geary also expressed concerns regarding licensing older vehicles as he felt they could not withstand a collision like newer models and he believed if they were too old they were not fit for purpose.

Councillor R Ashman was happy with the recommendations, especially the discounted licence fee for ultra low emission vehicles at proposal five, the introduction of the feedback notice at proposal nine and the decision not to pursue a livery colour at proposal seven.

Regarding the ultra low emission vehicles as referred to in proposal five, Councillor M Specht felt that it was discriminating against older vehicles. The Legal Advisor did not agree as there was a distinct move towards improving the environment and this was an incentive for drivers to use ultra low emission vehicles. Councillor M Specht made the point that there were no charging points in the district for electric or hybrid vehicles which was not an incentive.

A number of Members raised concerns with the wording of the recommendation for proposal two, in particular the phrase 'more than one' in reference to the number of defects to fail the mechanical inspection, Members believed it should read 'one or more' and was not clear in the current format. A lengthy discussion ensued between a number of Members and officers, the outcome of which was that further discussion would be had by officers outside of the meeting to ensure the wording was clear. A final draft of the wording would be circulated to the committee for consultation and then agreed by the Portfolio Holder.

In response to a question from Councillor M Specht, the Legal Advisor explained that if a driver presented an insurance cover note, he would be expected to provide the certificate of insurance as soon as possible. The Environmental Health Team Manager added that a database was used for recording insurance details which alerted officers if a certificate of insurance had not been provided and also when policies expired. Councillor M Specht raised his concerns regarding drivers that paid for their insurance policies by monthly instalments because if they did not pay during the year then the vehicles would not be insured and officers would not be aware. The Licensing Team Leader commented that the Council had good relationships with insurers and they would inform officers if this occurred. He confirmed that it was a rare occurrence but had happened in the past.

Councillor V Richichi commented that there was an insurance database available for checking that vehicles were insured and recommended that the officers gain access to make checks easier.

It was moved by Councillor M Specht, seconded by Councillor J Clarke and

RESOLVED THAT:

Subject to the re-wording of proposal two in consultation with the Portfolio Holder to ensure clarity:

- a) The draft hackney carriage vehicle policy and draft hackney carriage vehicle conditions be approved.
- b) The draft private hire vehicle policy and draft private hire vehicle conditions be approved.

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 7.34 pm

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NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

LICENSING COMMITTEE – 22 FEBRUARY 2017

Title of report	REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER POLICY
Contacts	<p>Portfolio Holder - Councillor Alison Smith MBE 01530 835668 alison.smith@nwleicestershire.gov.uk</p> <p>Lee Mansfield Environmental Health Team Manager 01530 454610 lee.mansfield@nwleicestershire.gov.uk</p> <p>Andy Cooper Licensing Team Leader 01530 454844 andy.cooper@nwleicestershire.gov.uk</p>
Purpose of report	To present a draft hackney carriage and private hire driver policy, for approval
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. All proposed conditions relate to the promotion of public, driver or passenger safety.
Equalities Impact Assessment	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 Deputy Chief Executive	The report is satisfactory
Comments of Deputy Section 151 Officer	The report is satisfactory
Comments of Monitoring Officer	The report is satisfactory
Consultees	Licensing Committee Existing driver licence holders Existing vehicle licence holders West Leicestershire Clinical Commissioning Group Leicestershire Police Public/Customers National Private Hire Association
Background papers	NWLDC Hackney Carriage and Private Hire Driver Fit & Proper Person Policy – Issue 12 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"> 1. THAT LICENSING COMMITTEE CONSIDERS AND APPROVES THE DRAFT HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER POLICY (APPENDIX 3) 2. THAT LICENSING COMMITTEE CONSIDERS AND APPROVES THE DRAFT HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER CODE OF CONDUCT (APPENDIX 4) 3. THAT AMENDMENTS TO THE HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER POLICY TO REFLECT CHANGES IN LEGISLATION AND CENTRAL GOVERNMENT POLICY IS DELEGATED TO THE ENVIRONMENTAL HEALTH TEAM MANAGER FOLLOWING CONSULTATION WITH THE PORTFOLIO HOLDER

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 Police Clauses Act 1847 (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 1847 – licensing of hackney carriage drivers

1.3 Resulting from the court case of *Watham 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 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 law, communication skills, local road network)
- e) Practical driving assessment
- f) Disability awareness (during the first 12 months as a licensed driver must attend a training course)

1.5 A drivers 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. Any concerns relating to a drivers fitness to hold a licence are recorded within a report. The report will be considered and a decision made by either an appropriately authorised officer or a Licensing Sub-Committee consisting of three members of the Licensing Committee.

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 will contain a requirement for drivers to undergo training on safeguarding and child sexual exploitation.

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 and amended to reflect the introduction of the Immigration Act 2016 in December 2016 by the Environmental Health Team Manager. 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.

1.10 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

2.0 Consultation

- 2.1 Five proposals were considered by Licensing Committee on 5 October 2016. The detailed proposals considered have been taken from the Licensing Committee report and summarised at Appendix 1. Comments made by Licensing Committee were used to shape the final draft for wider consultation.
- 2.2 A 12 week consultation period commenced on 14 October 2016 and ended on 6 January 2017. The following individuals and groups were consulted:
- All current private hire and hackney carriage licence holders;
 - Leicestershire police;
 - transport stakeholders – bus, coach providers
 - Licensing Committee
 - West Leicestershire Clinical Commissioning Group (CCG)
 - Public and passengers were also consulted by placing the consultation documents on the Council’s web site.
- 2.3 A total of 32 responses were received. Appendix 2 details the consultee comments. In addition the West Leicestershire CCG were asked for feedback relating to the medical related proposal.

3.0 Summary of consultee feedback

Responses have been filtered by licence holders and other interested persons

- 3.1 Proposal to amend the medical examination section of the ‘fit and proper person’ policy by requiring applicants to find a medical practitioner with access to their medical history (notes).

	Licence holder	Other interested persons	Total
Supportive	10	12	22
Not supportive	10	0	10

Feedback from West Leicestershire Clinical Commissioning Group based on responses from 6 GP Practices:

- Half of the respondents offer the DVLA Group 2 medical assessment
- The waiting time for a DVLA Group 2 medical is up to 3-4 weeks
- The typical charge to the customer is £65
- Should a taxi driver choose to go to a GP other than their own the cost for releasing the medical notes would be £50
- The release of the patients medical notes to the examining GP could take up to one month

- 3.2 To amend the relevance of 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.

	Licence holder	Other interested persons	Total
Supportive	15	12	27
Not supportive	5	0	5

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

	Licence holder	Other interested persons	Total
Supportive	14	12	26
Not supportive	6	0	6

- 3.4 To amend the driver code of conduct 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.

	Licence holder	Other interested persons	Total
Supportive	10	12	22
Not supportive	10	0	10

- 3.5 To amend the byelaws 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.

All consultees supported the proposal

4.0 Proposed changes

4.1 Medical examination

Following the concerns raised by some licensed drivers and the feedback received from West Leicestershire Clinical Commissioning Group it is not proposed to require applicants and licence holders to undergo a Group 2 medical assessment by his/her registered GP who has access to their medical records. The most common concerns raised relate to the additional cost and the limited number of practices offering the Group 2 medical examination.

However this approach will be recommended as good practice and applicants advised that if the medical assessment is not completed by someone who has access to their medical history, that could lead to delays in processing the application in the event that the medical examination identifies concerns requiring further investigation. The Licensing Officer may

require further information from the drivers registered GP or the release of the medical (history) notes.

4.2 Relevance of Convictions Policy

The level of detail within the relevance on convictions policy has been increased. This will improve the quality of guidance given to applicants and licence holders and will assist any Licensing Officer or Licensing Sub-Committee with decision making. Any individual who has a conviction and is considering the submission of an application for a driver licence will be able to reference the policy to identify the likelihood of a licence being granted. The revised policy will be used as a reference document for Licensing Officers and Licensing Sub-Committees when making decisions relating to existing licence holders.

4.3 Safeguarding children and young adults / child sexual exploitation training

To introduce a requirement for licence holders to undergo training in safeguarding children and young adults and child sexual exploitation.

All existing licence holder must undergo the training within 12 months of the introduction of this policy. All applicants will be required to undergo the training within 12 months of first being licensed.

The content and delivery of the training course will be managed by NWLDC. Training courses will be offered both during normal working hours and early evening so to minimise any impact on the drivers earning potential. The training will be offered without charge during 2017. After this date the council will consider introducing a charge to cover the costs of running the courses.

4.4 Driver Code of Good Conduct

50% of licence holders that responded to the consultation were in support of the proposal
100% of other consultees were in support of the proposal.

Currently licence holders are required to 'pay attention to personal hygiene and dress so as to present a professional image to the public'. This requirement was introduced by Licensing Committee on 9 September 2010.

The draft code of good conduct (Appendix 4) has been amended by:

- Introducing guidance relating to the dress code. A list of clothing items not considered acceptable has been added.
- further detailing correct and incorrect driver behaviours;
- adding the procedure for reporting safeguarding concerns.

4.5 Hackney Carriage Byelaws

A requirement for both hackney carriage and private hire drivers to comply with the code of good conduct has been added to the driver policy document at section 12. Consequently no changes have been made to the byelaws.

4.6 Draft Policy, Code of Conduct and Byelaws

A draft hackney carriage and private hire driver policy is attached at Appendix 3

A draft hackney carriage and private hire driver code of good conduct is attached at Appendix 4

A copy of the hackney carriage driver byelaws and private hire driver licence conditions are appended to the driver policy. No changes have been made to the documents.

5.0 Future Amendments to Hackney Carriage & Private Hire Driver Policy

- 5.1 The hackney carriage and private driver policy will require further amendments from time to time to reflect changes to legislation and central government policy and practice. In order to ensure 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 Manager following consultation with the Portfolio Holder.

6.0 Next Steps

To publish the policy and communicate to current licence holders

1 March – Commencement date of policy

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Proposal 1

It is proposed to amend the medical examination section of the 'fit and proper person' policy by requiring applicants to find a medical practitioner with access to their medical history (notes).

Background

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 2

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. It is proposed to amend the relevance of 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.

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;
- To further detail a list of offence types;
- To amend the time periods to be free of conviction

Proposal 3

The link between taxis and child sexual exploitation (CSE) has been well publicised in recent years, including the Rotherham case and more recently in Lancashire. Currently, holding a knowledge of safeguarding and child sexual exploitation is not a requirement within North West Leicestershire.

It is proposed to amend the fit and proper person policy by introducing a requirement for applicants / drivers to undergo training in safeguarding children and young adults / child sexual exploitation. 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

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.

Proposal 4

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.

It is proposed to amend the driver code of conduct 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 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.

Appendix 2 - Consultee Comments

Note: The text has been taken directly from the consultation software, without amendment

Proposal 1 -To require applicants/drivers to be examined by a medical practitioner with access to the patients medical history (notes).

Consultee Comments

Licensed Drivers

If driver is above 50-55 then this proposal is quite attractive but still it will be bit difficult for some drivers to visit unknown gp.

As per psv and hgv should be every 5 years not 3 as current.

I would be highly in favour of all drivers having to see their own GP for their medical. However this is not practical whilst there is such a vast difference between practice charges.

It would incur yet another yearly cost. But if free then I would support and say yes.

The Gp is required to fill the form in an accurate way the question are self explanatory it is the driver who must answer correctly and honestly. The form covers all necessary requirements for the council. The current option is better as it gives the driver the ability to use any GP as they all charge different rates and most are more expensive, it also allows the driver to use a GP if his the appointment can't be meet and they then can call another for urgent booking.

This will easily double or even triple the cost of a medical. Some GPs will tend to sign off on some applicants they see regularly without actually conducting the exam, whilst those who are generally in better health, and rarely see their GP will get the fifth degree. Some GPs are not set up to do the eye exam fully as laid down in the latest requirements.

it should facilitate a true opinion of a drivers health and remove any possibility of cheating

Drivers may NOT have a licence if they do NOT have at least FIVE YEARS MEDICAL HISTORY available for scrutiny and is a true & continuous complete record.

Public and other interested persons

It seems ridiculous that the person providing the certificate of fitness does not know the history to the individual and is putting the public at risk.

Proposal 2 - To amend the relevance of 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.

Consultee Comments

Licensed Drivers

Agree with this proposal it will be very attractive for the council and other government bodies to have complete information about the driver's history.

The regulations should concentrate solely on CRIMINAL & DRIVING offenses when CONVICTED. There is no single national guidelines as to how police forces record warnings. As such one applicant may be bared for a 'warning' for a minor offense which they would contest, whilst another 'warning' to an applicant strongly suspected of a serious offense to which they admit, may not be recorded.

i support the proposal with reservations over minor traffic offences ,after all no driver is perfect and most taxi drivers cover between 3 to 5 times the average annual mileage making them statistically 10 times more liable to to fall liable to minor infringements. I feel this should be taken account of before judging drivers too harshly. after all the crb check does not prove anyone totally trustworthy only at best if they are doing anything illegal they have not yet been caught.

All applicants because of time periods regarding the severity of certain offences must have a CLEAR AND COMPLETE checkable record not a letter from a different authority OR territory that cannot be guaranteed to be a safe and proper history.

Public and other interested persons

We expect an enhanced check with other people in society who are likely to work with or have contact through their work with those who are vulnerable. A lot of people use taxi's when they are drunk and are vulnerable at that time. Vulnerable people who need safeguarding need to know that those who are driving them around are fit and do not have a criminal record to the degree that should they have that knowledge would not choose to get into their vehicle.

Proposal 3 - To introduce a requirement for applicants / drivers to undergo training in safeguarding children and young adults / child sexual exploitation.

Consultee Comments

Licensed Drivers

My only concern is how long training will take, as I won't be earning any money during this period

Normally underage children travel with their parents or guardian so I think this proposal will be not attractive for the driver to do..

This is covered by criminal law. It should be enforced by the police. This is nothing to do with taxi licencing.

People know the law and should be dealt with by the police.

We are taxi drivers not social care this is and should not be passed who pays for loss of earnings when training do you reduce license fee if we attend. We will not in my opinion be qualified after half day training session.

Again Its the loss of earning to attend the course. I simp(y cannot afford to loose any income. And I am concerned by the phrasing of the question as it appears to have been given the acceptance of NWLDC already.

In partice who will fund the training unless its free also time off is required, most drivers are aware when carrying children of the Dangers

I also believe that we are the eyes and ears of our community and course should if possible make all persons aware of elderly persons ability to live in an acceptable living experience in viability and health patterns.

Public and other interested persons

Like hotelliers they need to know what to look for and be confident in reporting concerns.

This is essential for the identification of the vulnerable children and adults.

I think the training should be completed within 6 months.

Refresher courses should be introduced as the driver may not have to use the knowledge learnt and, therefore, be unable to recognise the signs if faced with them some time after the training.

Proposal 4 - To amend the driver code of conduct 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.

Consultee Comments

Licensed Drivers

Proposal is attractive for the professional drivers.

Give us the list first talk about a dictatorship. Ban burkas what next erm we are taxi drivers find something else to do like inspect the cars or something

Only if the employer provides the said attire.

Drivers wear what cloths feel comfortable and aid there work most are usually well dressed and of smart appearance, we hardly get any customers complaining of torn trousers or ripped shirts or scruffy appearance. Its obvious to most drivers that they need to be well dressed. This more of a you will do as i say attitude from the council, do we really need to go back in time like school uniform for the 6th form

Dress Code - these proposals would infringe the human rights (right of freedom of expression) of the individual concerned.

Any clothing considered under public order legislation to be 'decent' should be permitted. (If any drivers are breaching this now then there is already sufficient scope to withdraw their licence through other avenues). No opinion on correct and incorrect driver behaviours. Supportive of procedure for reporting safeguarding concerns.

with the exception of shorts and vests in hot weather, personal higene is far more important.

i feel i should have a right to dress as i feel fit and to be comfortable with in an enviroment which consists of various people. wearing a suit and tie may apply to office work but not suited to driving a taxi in northwest leicestershire, smart casual wear is more appropriate in my opinon.

I am appalled at the state of some drivers who wear flip flops or sanders and shorts sweat shirts with any logo or wording they should be plain or short sleeve shirts long sleeve if arms are tattooed which may cause offence too passengers who being collected by a driver of unknown personal history of previous journeys.

Public and other interested persons

The public will have more confidence in the driver if they look professional. It is also about taking pride in their job too.

Religious and cultural beliefs will need to be taken into account.

Proposal 5 - To amend the byelaws 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.

No comments received

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Hackney Carriage & Private Hire Driver 'Fit and Proper' Person Policy

Issue ~~42~~ 13
- Draft

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	<u>APPENDIX 3 DRIVER CODE OF GOOD CONDUCT</u>	

1.0 INTRODUCTION

The Council is required by law to ensure that any persons it licenses either as hackney carriage or private hire drivers are 'fit and proper'. 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
- Disability awareness
- Knowledge of safeguarding and child sexual exploitation
- Knowledge test including a communication assessment
- 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

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

This policy is the basis on which the Council will decide whether an applicant is a fit and proper person. However, it does not prevent the Council from considering any other information received from whatever source in determining whether to grant or refuse a hackney carriage or private hire driver's licence.

Drivers are required to comply with the elements of the fit and proper person test throughout the currency of the licence. This requirement includes complying with the driver code of good conduct.

Each of the above elements are discussed in more detail within this policy.

~~There is no specific test for this condition but this Council currently checks DVLA driving licence records, an enhanced disclosure from the Disclosure & Barring Service (DBS), requires a DSA driving assessment, a medical examination, attend disability awareness training and a knowledge test.~~

~~This policy is the basis on which the Council will decide whether an applicant is a fit and proper person. However, it does not prevent the Council from considering any other information received from whatever source in determining whether to grant or refuse a hackney carriage or private hire driver's licence.~~

~~Each of the above elements are discussed in more detail within this policy.~~

2.0 DEFINITIONS

For the purposes of this policy the following definitions apply:

Council – North West Leicestershire District Council

DBS – Disclosure & Barring Service

DSA – Driving Standards Agency

DVLA – Driver & Vehicle Licensing Agency

Driving licence – any driving licence issued by the DVLA

Driver's licence – either a hackney carriage, dual or private hire driver's licence issued by North West Leicestershire District Council

Driving assessment – ~~DSA~~ private hire/hackney carriage driving assessment

Licensed driver – private hire and hackney carriage drivers currently licensed by North West Leicestershire District Council

DA Training – Disability Awareness Training

3.0 APPLICATION & DOCUMENTATION

3.1 Prospective applicants should contact the authority for an application pack or obtain the various documents from the Council's web site. The following documentation is required to be submitted for an application to be accepted for processing:-

- Relevant completed and signed application form (fee not required at this stage)
- 2 passport sized photographs
- DVLA driving licence mandate form – prospective applicants may be turned away if they have certain traffic convictions.
- A completed enhanced DBS application form together with supporting documentation. Prospective applicants with certain criminal convictions may be turned away.
- Payment for DBS application and knowledge test (cash will not be accepted)
- Documentation for the purposes of immigration check

3.2 Period of Issue of a Driver's Licence

From 1st October 2015 driver's licences will be issued for a period of up to 3 years except for the following occasions

- a) Drivers who have a potentially serious medical condition
- b) Drivers aged 65 and above (require an annual medical)
- c) New drivers who have yet to pass their disability awareness training
- d) Drivers who request a shorter period
- e) Drivers with a history of poor conduct (2 or more substantiated complaints within the previous 12 months)
- f) Where a Sub-Committee has determined that a licence shall be granted for a shorter period
- g) Where it is required under the Immigration Act 2016
- h) Other reasons not covered above where the Licensing Authority considers it appropriate

In such cases, driver's licences will be issued for a minimum period of 12 months.

3.3 Conditions of Licence

The Licensing Authority is not empowered to attach conditions to a hackney carriage driver, other than through Byelaws set out in Appendix 1

The Licensing Authority is empowered to attach such conditions to a private hire driver's licence as are considered necessary. The standard conditions applied to all private hire drivers are set out in Appendix 2.

4.0 DISABILITY AWARENESS TRAINING ~~(Implemented 21 March 2013)~~

- 4.1 All private hire and hackney carriage drivers will be required to undergo agreed DA training.
- 4.2 Drivers will be required to attend training within 12 months of the grant of their driver's licence. In this instance drivers will only be granted their driver's licence for an initial period of 12 months however if the DA training is successfully completed on time the validity of their licence will be extended to 3 years.
- 4.3 Where a driver fails to attend appropriate training their driver's licence will not be renewed. Any subsequent application to renew their driver's licence will be treated as an application for the grant of a driver's licence. An applicant will have to retake any knowledge test as well as undergo a new medical and DBS application and all the other requirements a new applicant has to complete. They will also be required to provide evidence that they have completed appropriate DA training.

5.0 DVLA DRIVING LICENCE RECORD

- 5.1 Applicants must submit a standard DVLA car driving licence as evidence of driving proficiency. Any convictions will be considered in accordance with the Council Policy Relating to the Relevance of Convictions. (See paragraph 87.0)
- 5.2 In addition to being considered to be a fit and proper person to hold a driver's licence all applicants must have been authorised to drive a motor car for at least 12 months.
- 5.3 Older pink coloured paper DVLA driving licences will be accepted not only for identity purposes but also to show that the driver has authority to drive on the road. To be accepted this type of driving licence must show the applicant's current home address.

- 5.4 DVLA 'photocard' driving licences will similarly be accepted as identity documents and as an authority to drive and again must show the driver's current home address.
- 5.5 The DVLA paper counterpart licence has now been abolished and will NOT be accepted as an identity document nor that a driver has a 'clean' driving licence.
- 5.6 Drivers are under a duty to inform the Council, within 7 days, in writing details of any motoring fixed penalty notice or conviction imposed on them during the period of their driver's licence. With that letter the driver shall provide a DVLA code which will allow Council officers to view their online DVLA driving licence record. Alternatively, the driver will pay a fee to enable the Council to conduct a driving licence check through a third party provider.
- 5.7 Failure to provide the DVLA code or the fee, within the same 7 day deadline may result in their driver's licence being suspended or revoked.

6.0 PRACTICAL DRIVING ASSESSMENT

- 6.1 The Council requires a practical driving assessment to be taken by existing drivers under the following circumstances:-
- 6.2 Any licensed driver whose DVLA driving licence has attracted 6 or more penalty point endorsements over a 3 year period will be required to take a driving assessment. Drivers will be permitted 3 months from the date of the qualifying conviction to successfully complete a driving assessment AND lodge their pass certificate with the licensing section. Should a driver lodge an appeal with the court the 3 months will commence on the date it confirms the conviction. Any new endorsements to the driver's DVLA licence during the appeal period will count towards the current period if the appeal is allowed or the next period if the appeal is dismissed. Licensed drivers will continue to be required to take driving assessments each time they breach the 6 penalty point endorsement level.
- 6.3 The current training provider is:-
- Blue Lamp Trust

ADMINISTRATION

- 6.4 Drivers/prospective drivers will be responsible for contacting the training provider direct to arrange a driving assessment. Any financial arrangements will be between the driver and the training provider, the Council will not accept payment on behalf of the training provider.
- 6.5 Any deception or attempted deception in the course of undertaking the driving test will result in action to revoke the driver's licence or lead to an application for the grant of a licence being refused. The matter may be reported to the police. The training provider will have their own security measures aimed at preventing such instances.
- 6.6 Any failure to notify the licensing section of any endorsements is a breach of licence conditions and could lead to proceedings resulting in the revocation of a driver's licence.
- 6.7 A private hire driver is required to inform the licensing section, in writing, of any endorsements received within 7 days of the date of the conviction. Officers will check the driver's records and, if a practical driving assessment is required, will write to the driver informing him/her of the fact. The letter will contain time limits, for the completion of the practical driving assessment, with which the driver must adhere. The driver must then contact the training provider directly to organise an assessment.

- 6.8 The decision of the driving assessors is final and the Council will not enter into any negotiations, with the training provider, on behalf of the driver.
- 6.9 For drivers governed by the contents of paragraph 6.2 above, the number of points on their licence will equal the number of points on their licence that could be considered for 'totting up' purposes by a court of law at the commencement date of this policy.
- 6.10 Should any driver falling within paragraph 6.2 above be required to retake a third driving assessment (not including the initial driving assessment undertaken when they applied as a new driver), in any 10 year period, they will be automatically brought before a Council committee that will decide whether the driver should remain licensed with this authority.
- 6.11 Any circumstances not covered by this document and requiring a decision will be brought to the attention of the Environmental Health Team Manager or deputy.
- 6.12 All new applications must include a practical driving assessment pass certificate.

A WORKED EXAMPLE

On 1 October 2011 Driver A is convicted of a speeding offence and his/her licence is endorsed with 3 penalty points.

On 1 April 2014 Driver A is convicted of offences after a minor road traffic collision and his/her licence is endorsed with 4 penalty points.

Within 3 years from 1 October 2011 Driver A has accumulated 7 points and has until and including 30 June 2014 to take and pass a driving assessment.

On 20 April 2014 Driver A is convicted of another speeding offence and his/her licence is endorsed with 3 more penalty points.

If the driving assessment was taken and passed and the pass certificate lodged with the licensing section by 30 June 2014 those 7 penalty points can be disregarded with regards to another, future, driving assessment. However, the 3 points collected during the 3 month waiting period do count towards the possibility of another driving assessment. If Driver A attracts 3 or more penalty points during the period up to and including 19 April 2017 he/she will have to take another practical driving assessment. Failure to take and pass the driving assessment by the required date may result in proceedings being taken to revoke their driver's licence.

7.0 DISCLOSURE & BARRING SERVICE - ENHANCED DISCLOSURE

- 7.1 Hackney carriage and private hire vehicle driving is an exempt occupation under the Rehabilitation of Offenders Act 1974.
- 7.2 The effect of this legislation is that any convictions recorded against an applicant for a driver's licence will be considered when judging whether he/she is a 'fit and proper' person. When completing an application form for a driver's licence all convictions must be declared and failing to disclose convictions will be considered a dishonest act and may result in the application being refused. Legal proceedings may be instigated if it is found that an applicant has given false or deliberately inaccurate information.

- 7.3 A DBS disclosure application form must be submitted with every application for the grant of a dual and private hire driver's licence. No driver's licence will be granted until a DBS reply has been received.
- 7.4 Drivers will be required to submit a DBS application every 3 years. Drivers who are not in possession of a current, enhanced DBS disclosure will not be licensed to drive hackney carriages or private hire vehicles.
- 7.5 Drivers are able to make their DBS record 'portable' by making use of the 'update service' provided by the Disclosure & Barring Service.
Any driver choosing to use this service will not be required to complete a DBS application form (grant or renewal applications).
The council will check a driver's conviction history through the DBS secure electronic system.
- 7.6 Drivers choosing not to take advantage of the DBS update service (described at 7.5 above) must submit a DBS application form in good time of their current disclosure expiring. Drivers must recognise that on occasions it may take several months for a reply to be received. Drivers must be aware that if they have no current DBS disclosure they will not be licensed to drive. A late application could result in several weeks of unemployment as a licensed driver. It is the responsibility of the driver to ensure that they submit all applications properly and in good time. Temporary badges will not be issued.
- 7.7 DBS disclosures are not 'portable' and disclosure certificates obtained through other organisations and/or occupations will not be accepted by North West Leicestershire District Council. Drivers wishing to benefit from a portable DBS record must register with the DBS update service.
- 7.8 Applications for a private hire operators licence are not subject to an enhanced DBS disclosure. Operators who also are licensed to drive, with this authority, will already have an enhanced DBS disclosure and this disclosure may be used to determine the grant or renewal of an operator's licence.
- 7.9 Applicants for a private hire operators licence who are not licensed to drive with this authority are required to submit a disclosure certificate issued by Disclosure Scotland.

8.0 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.~~

8.1 Introduction

8.1.1 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.

8.1.2 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.

8.1.3 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

8.1.4 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)]

8.1.5 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.

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

8.2 General Policy

8.2.1 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.

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

Outstanding Charges or Summonses

8.2.3 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 applicants 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

8.2.4 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.

8.2.5 In assessing the action to take, the safety of the public must be the paramount concern.

8.2.6 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.

8.3 Powers

8.3.1 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.

8.3.2 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.

8.3.3 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.

8.3.4 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.

8.3.5 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.

8.3.6 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.

8.3.7 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.

8.3.8 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.

8.3.9 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.

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

8.4 Policy on immediate revocation/suspension of driver's licence

8.4.1 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.

8.4.2 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.

8.4.4 The overriding consideration shall always be the safety and protection of passengers and the general public.

8.4.5 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.

8.4.6 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.

8.4.7 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

8.4.8 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)].

8.5 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

8.5.1 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.

8.5.2 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

8.5.3 A period of at least **10 years** free of conviction is expected from applicants with convictions for the following offences:

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.

8.5.4 A period of at least **5 years** free of conviction is expected from applicants with convictions for the following offences:

- 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.

8.5.5 A period of at least **3 years** free of conviction is expected from applicants with convictions for the following offences:

- 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

8.5.6 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.

8.5.7 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

8.5.8 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

8.5.9 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

8.5.10 In relation to indecency and other sexual offences, an applicant should be free of conviction for at least **5 years** before an application will be considered 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.

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

8.5.12 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

8.5.13 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.

8.5.14 At least **3 years should have elapsed since the conviction before an application is granted.** 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

8.5.15 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

8.5.16 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.

8.5.17 In addition, the applicant will normally be required to show a period of **5 years** has elapsed after completion of detoxification treatment if (s)he was an alcoholic.

Drugs

8.5.18 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.

8.5.19 An applicant with a conviction for a drug use or possession of drugs offence shall be required to show a period of **3 years** free of convictions before an application is granted. 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.

8.5.20 A period of at least 5 years free of conviction is required from applicants with more than one conviction for offences related to the possession of drugs.

8.5.21 An applicant with a conviction for a drug supply offence shall be required to show a period of **5 years** free of convictions before an application is granted or 5 years after the completion of detoxification treatment if an addict.

8.5.22 A period of at least 10 years free of conviction is required from applicants with more than one conviction for offences related to the supply of drugs.

Driving Offences Involving the Loss of Life

8.5.23 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.

8.5.24 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

8.5.25 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.

8.5.26 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

8.5.27 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.

8.5.28 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.

8.5.29 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.

8.5.30 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.

8.5.31 A list of offences to which this section applies is below.

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

8.5.32 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.

8.5.33 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.

8.5.34 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.

8.5.35 Generally, a period of **12 months** free from conviction must have elapsed from the restoration of the DVLA licence.

8.5.36 Where an existing licence holder is disqualified from driving the licence will normally be revoked under delegated powers.

8.5.37 A list of offences to which this section applies is below:

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

Totting Up Disqualifications

8.5.38 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.

8.5.39 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

8.5.40 Offences of the type listed below 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.

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:

The following offences 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)

8.5.41 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

8.5.42 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.

8.5.43 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.

Other Offences and special circumstances

8.5.44 If an applicant has declared or committed any other offence not listed above or the circumstances of the case justify it, the application shall be referred to the Licensing team Leader who may consider it appropriate to refer it to the Licensing Sub-Committee.

9.0 MEDICAL EXAMINATION

9.1 This Authority has adopted the DVLA Group 2 medical standard for all licensed drivers. The medical standards are detailed at section D of the DVLA document 'Medical examination report for a Group 2 (lorry or bus) licence D4 – information and useful notes INF4D

9.2 ~~Applicants~~ All drivers/applications are ~~required subject to find a Doctor who is familiar with the requirements of a full~~ Group 2 medical examination by a registered GP. The examining ~~GP Doctor~~ will complete and sign the appropriate DVLA form. A driver's licence will not be issued until a satisfactory medical form has been received.

9.3 ~~Failure by drivers to inform the Council of any changes in their health that affect the Group 2 medical may result in proceedings being taken to revoke or suspend their driver's licence. It is recommended that applicants/drivers are examined by a registered medical practitioner, who has access to their full medical history. Where an examination has not been completed by someone who has access to the applicants full medical history, this could lead to delays in processing the application.~~

9.4 All applicants/drivers are required to undergo a Group 2 medical prior to the initial grant of a dual and private hire driver's licence and every 3 years thereafter to age 65 years.

9.5 From age 65 years all hackney carriage and private hire drivers are required to undergo a Group 2 medical annually without an upper age limit.

9.6 During the life of a licence a driver diagnosed with a new medical condition or who has an existing condition which develops (and may affect their ability to drive) is required to inform the Council immediately. Failure to inform the Council of any changes in their health that affect the Group 2 medical may result in proceedings being taken to revoke or suspend their driver's licence.

10.0 KNOWLEDGE TEST

Following receipt of a completed application pack the applicant will be booked in to undertake a knowledge test.

10.1 The requirement to pass a knowledge test applies to both applicants for a dual driver and private hire driver's licence.

- 10.2 The Council's knowledge test seeks to test the applicant's knowledge of taxi and private hire law, the Highway Code, the Council's own byelaws and conditions, communication skills~~conversational proficiency~~ and for dual (hackney carriage and private hire) applicants only, the local area and road network.
- 10.3 An element of the test will be completed orally. Applicants will need to show that they have the ability to hold a conversation in English.
- 10.4 The Environmental Health Team Manager in consultation with the Licensing Team Leader is authorised to amend the administration of the knowledge test and add to/delete from the bank of questions to reflect local issues.
- 10.5 The administration of the knowledge test will be transparent to all applicants with all relevant documentation published on the Council web site.

ADMINISTRATION

The knowledge test consists of the following sections:

- (a) Writing a receipt
- (b) Conversational ~~ability~~ assessment
- (c) 5 law questions
- (d) 5 questions on the Highway Code and road signs
- (e) 5 questions on the Council's own byelaws/conditions (there will be separate questions for dual and private hire applicants)
- (f) 5 questions on routes (dual driver applicants only)

Skills Assessment

The first task is to write a receipt (Section A) but if he/she fails, the rest of the test will be cancelled and he/she will be deemed to have failed the test.

Having successfully written a receipt the applicant's ability to hold a conversation in English will be assessed (Section B) through general knowledge questions.

If the applicant's ability to hold a conversation is not deemed to be adequate, the applicant will not proceed to the knowledge assessment.

Knowledge Assessment

The 'knowledge' sections of the test consist of 20 questions for dual driver applicants and 15 questions for private hire applicants.

Pass Mark

Dual driver licence - 16 achieving a score of at least 4 in each of the 4 sections (c,d,e,f).

Private hire driver licence – 12 achieving a score of at least 4 in each of the 3 sections (c,d,e)

Private hire applicants are not being tested on topographical knowledge as they are not legally available for immediate hiring in the same way as a dual licence driver. To hire a private hire vehicle the would-be passenger has to go through an operator, so the driver will have an opportunity to check the details of a route before starting a journey.

Should the examiner have concerns over an applicant's conversational proficiency (ability to hold a conversation in English) a second examiner will be introduced. The applicant will then be asked a number of conversational questions on a subject area of their choice. The assessment will last for approximately 5 minutes. In the event that the examiners remain concerned over the applicants conversational proficiency the matter will be referred to Committee. Should the Committee refuse the licence application the applicant will receive details of how to access training to enable their conversational proficiency to reach an acceptable standard. The Certificate in English for Speakers of Other Languages (Entry Level 3) is considered to be an acceptable standard.

Applicants are allowed 3 attempts to take and pass the knowledge test. If an applicant fails, 2 weeks must elapse before they can re-sit the test. If an applicant takes and fails the third knowledge test they will be deemed not to be 'fit and proper' and their application will be refused

There will be a knowledge test/retest fee and it will apply to both dual and private hire applicants. This fee is non refundable. The level of fee will be subject to regular review.

11.0 SAFEGUARDING AND CHILD SEXUAL EXPLOITATION TRAINING (CSE)

11.1 All private hire and hackney carriage drivers are be required to undergo agreed CSE training.

11.2 All new applicants will be required to undergo the training within 12 months of being licensed. All drivers with a driver licence on or before 22 February 2017 must undergo training within 12 months of the introduction of this policy.

11.3 Where a driver fails to attend appropriate training their driver's licence will be suspended / revoked. Any subsequent application to renew their driver's licence will be treated as an application for the grant of a driver's licence. In this instance the individual will be required to provide evidence that they have completed the required training before the application is determined.

12.0 DRIVER CODE OF GOOD CONDUCT

12.1 It is considered that in order to raise the profile of the licensed trade, drivers should operate at all times in a professional manner and dress so as to present a professional image to the public.

12.2 The standards expected of licensed drivers are set out in the Code of Good Conduct, included in this policy document at Appendix 3

12.3 Failure to comply with any aspect of the Code of Good Conduct may result in enforcement action such as advice or warnings being given by an authorised officer. Repeated breaches following such advice or warnings may lead to more serious consequences including, if necessary, non-renewal, suspension or revocation of licences.

13.0 DELEGATION

13.1 The Environmental Health Team Manager is authorised to make amendments to this policy to reflect changes in legislation and central government policy, for example DVLA and DBS policies.

DOCUMENT HISTORY

Issue Number	Issue Date	Approved by	Nature of Amendment
1	1 st December 2008	Licensing Committee 26 November 2008	Introduction of Driving Standards Assessment
2	10 th December 2008	Commercial Services Manager	Minor amendment to contact details of DSA at paragraph 3e
3	15 th March 2009	Commercial Services Manager	Minor amendment to paragraph 1 (Introduction). Insertion of new second sub-paragraph
4	27 th January 2010	Licensing Committee 27 th January 2010	Introduction of new knowledge test
5	3 rd June 2010	Licensing Committee 2 nd June 2010	Paragraph 5.3 – Amendment of date from 1 st July 2010 to 1 st October 2010. Paragraph 5.6 - Amendment to enforcement policy
6	1 st December 2012	Licensing Committee 28 th November 2012	Introduction of the procedure to clarify the situation when a driver attracts 12 points within a 3 year period on their DVLA driving licence.
7	8 th March 2012	Commercial Services Manager	Removal of references to CRB and replaced with DBS. Slight rewording to paragraph on cost of Knowledge Test
8	21 st March 2013	Licensing Committee 20 th March 2013	Insertion of section on Disability Awareness Training
9	30 th September 2015	Environmental Health Team Manager	Insertion of paragraph 3.2 – Period of Issue of a licence to reflect a legislative change Paragraph 5.0 – Amendment to reflect change to DVLA policy Minor amendment to paragraph 6.9 (clarify permitted number of retakes
10	16 th June 2016	Licensing Committee 15 th June 2016	Changes to Para 10.0 – Knowledge Test and contextual amendments (after committee decision to introduce dual hackney carriage/private hire driver's licences).
11	18 th October 2016	Environmental Health Team Manager	Removal of references to DSA practical driving assessment in response to their withdrawal from conducting taxi driving assessments. Blue Lamp Trust will now provide driving assessments. Others may be added in the future.
12	1 st December 2016	Environmental Health Team Manager	Implementation of legislative change Introduction of Immigration Act. See paragraph 3
13	1 March 2017 Draft	Scheduled – Licensing Committee – 22 February 2017	Introduction of safeguarding training Amendments to convictions policy Amendment to code of good conduct Minor amendment to medical examination policy

COUNCIL'S VISION

North West Leicestershire will be a place where people and businesses feel they belong and are proud to call home

North West Leicestershire District Council,
Council Offices, Whitwick Road, Coalville,
Leicestershire, LE67 3FJ.

This document is available in other formats on request

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

Overview

~~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,~~

~~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 Good 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 Good 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.~~

CODE OF GOOD CONDUCT FOR LICENSED DRIVERS

~~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.~~

~~3. Responsibility to Residents~~

~~3.1 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.~~

~~3.2 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.~~

~~3.3 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.~~

~~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.~~

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.

Drivers shall:

- a) Act in a professional manner at all times;
- b) Treat passengers and other road users with respect;
- c) Keep relationships and conversation 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;
- h) Comply with all Traffic Regulation Orders and directions at all times;
- i) Ensure that there is no smoking in the vehicle 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.

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 – Guidance

The Authority is committed to promoting the professional image of the trade and it considers that drivers should conform to a minimum standard of dress, in order to raise and maintain the profile of the licensed trade.

The suitability of a drivers dress will be considered on a case by case basis. The following list of clothing is a guide only and should not be considered to be exhaustive.

The following items of clothing are not considered to present a professional image and therefore must **never** be worn:

- Beach type footwear (e.g. Flip flops)
- Baseball caps or 'hoodies'
- Tracksuits or shell suits or components of
- Swim shorts / clothing
- Sports shorts
- Sports shirts or replica sports shirts
- Unclean or damaged clothing or footwear
- Items of clothing with 'offensive' or 'suggestive' words, logos or graphics
- Any item of clothing resulting in an individual not being able to establish to identity of the driver (referencing the drivers ID card)

COUNCIL'S VISION

North West Leicestershire will be a place where people and businesses feel they belong and are proud to call home

North West Leicestershire District Council,
Council Offices, Whitwick Road, Coalville,
Leicestershire, LE67 3FJ.

This document is available in other formats on request