

|                    |   |
|--------------------|---|
| Meeting            | <b>LICENSING COMMITTEE</b>                  |
| Time/Day/Date      | 6.30 pm on Wednesday, 6 November 2019       |
| Location           | Council Chamber, Council Offices, Coalville |
| Officer to contact | Democratic Services (01530 454512)          |

### **AGENDA**

| <b>Item</b>  | <b>Pages</b>  |
|--|---------------|
| <b>1. APOLOGIES FOR ABSENCE</b>  |               |
| <b>2. DECLARATIONS OF INTEREST</b>   |               |
| Under the Code of Conduct members are reminded that in declaring disclosable interests you should make clear the nature of that interest and whether it is 'Pecuniary' or 'Non-Pecuniary'. |               |
| <b>3. MINUTES OF PREVIOUS MEETING</b>  |               |
| To confirm and sign the minutes of the meeting held on 11 September 2019.  | <b>3 - 6</b>  |
| <b>4. REVIEW OF POLICY AND LICENCE CONDITIONS RELATING TO PRIVATE HIRE OPERATORS</b>   |               |
| The report of the Environmental Health Team Manager  | <b>7 - 54</b> |

Circulation:

Councillor J Clarke (Chairman)  
Councillor N Smith (Deputy Chairman)  
Councillor E G C Allman  
Councillor D Everitt  
Councillor T Eynon  
Councillor M French  
Councillor D Harrison  
Councillor B Harrison-Rushton  
Councillor M D Hay  
Councillor G Houl  
Councillor J Houl  
Councillor K Merrie MBE  
Councillor V Richichi  
Councillor A C Saffell  
Councillor S Sheahan  
Councillor D J Stevenson  
Councillor M B Wyatt

MINUTES of a meeting of the LICENSING COMMITTEE held in the Council Chamber, Council Offices, Coalville on WEDNESDAY, 11 SEPTEMBER 2019

Present: Councillor N Smith (in the Chair)

Councillors E G C Allman, T Eynon, M French, M D Hay, G Hoult, J Hoult, K Merrie MBE and S Sheahan

In Attendance: Councillors

Officers: Mr L Mansfield, Mr A Cooper, Mrs L Arnold and Mrs M Long

# **1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors J Clarke, T Saffell, D Stevenson and M Wyatt.

# **2. DECLARATIONS OF INTEREST**

There were no interests declared.

# **3. MINUTES OF PREVIOUS MEETING**

Consideration was given to the minutes of the meeting held on 21 November 2018.

It was moved by Councillor Smith, seconded by Councillor Allman and

RESOLVED THAT: The minutes of the meeting held on 21 November 2018 be approved as a correct record.

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

Members considered a report presented by Mr L Mansfield, Environmental Health Team Manager on the review of the Hackney Carriage and Private Hire Vehicle Policy and conditions.

In reviewing the current vehicle conditions account has been taken of the current edition of the Department for Transport Taxi and Private Hire Vehicle Licensing Best Practice Guide issued in 2010 and the Department for Transport Statutory Guidance for Licensing Authorities; Taxi and Private Hire Vehicle Licensing: Protecting Users issued in February 2019.

Mr Mansfield took the Committee through each of the objectives and subsequently each of the proposed amendments in turn, inviting questions either through the meeting, after the meeting or during the 3 month consultation process which would follow.

The Chairman invited questions and comments.

Councillor N Smith recalled the days when taxis were not of the high standard which they are now and welcomed the efforts which are continuously being made by officers in striving to improve. He asked whether the current situation with regards to the European Union would affect the implementation of Euro 5 engines to which he was advised there would be no impact.

Councillor Merrie and Councillor Eynon sought clarification on the references to Euro 5 engines and specifically the implications on those people who currently did not comply;

and also how this would be communicated to ensure that those affected would be given sufficient notice to do so. It was confirmed that there were only 15 such affected vehicles and there would be a wide consultation process with all operators and known individuals; all enquiries would come through the officers whereby the information would be provided and the details would also be publicised on the council's website.

It was agreed that for the purposes of clarity, and to avoid any confusion, reference to the engines would include the date of the registration of the vehicle.

Turning to the issue of CCTV and in response to a question by Councillor J Hoult, it was confirmed that the intent behind the policy was to ensure the appropriate management of recorded data.

Councillor Eynon was concerned that, whilst the policy quite rightly addressed concerns around the use of CCTV data, the restrictions might deter taxi drivers from using CCTV and asked whether there were any companies that could help install it and, if not, asked if this was something that the Council could offer.

It was confirmed that there are currently companies that specialise in this and the Council would not choose to make CCTV a mandatory requirement as that would make NWLDC data controllers. Councillor Eynon asked whether the Council might at least try and broker a deal with such companies to assist the drivers with the financial burden of installing CCTV.

Councillor Merrie suggested the introduction of an aide memoir for drivers to help them comply with the conditions of having CCTV should they wish to install it for their own personal safety.

The Chairman offered to invite a company to do a presentation at a future meeting of the Committee setting out what it could offer, however, members felt that those who would benefit most from this are the drivers and not the members of the Committee. The Chairman suggested that such a presentation could be made at a future meeting of the Taxi Forum and this was agreed.

Councillor Hay asked whether neighbouring Authorities where their drivers were working in this district were also improving their standards, to which he was advised that each Authority adopts its own standards and North West Leicestershire is at the top of its game in this regard. Unfortunately as the law stands, we have no powers to inspect such vehicles but, that said, we are looking at cross border authorisation between ourselves, South Derbyshire and East Staffordshire.

A lengthy discussion ensued involving all members on the merits or otherwise of having a first aid kit in the vehicle and if so, determining what constitutes a 'suitable' kit, given that this is subjective. The question was also asked about first aid training and whether this ought to be a requirement. After a lengthy debate it was agreed that advice would be sought from paramedics as to what they considered would be suitable. Once this advice has been sought, officers will email the Chair with the suggested revised wording to the policy before the next meeting when the policy will be considered for approval.

The Chairman thanked all members for their attendance and asked that, in accordance with the recommendations, any further comments be conveyed to officers for consideration before the next meeting.

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 7.25 pm



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**NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL**

**LICENSING COMMITTEE – 6 NOVEMBER 2019**

|                              |  |
|------------------------------|--|
| Title of report              | <b>REVIEW OF LICENSING POLICY AND CONDITIONS RELATING TO PRIVATE HIRE OPERATORS</b>  |
| Contacts                     | <p>Councillor Andrew Woodman<br/>07932 758555<br/><a href="mailto:andrew.woodman@nwleicestershire.gov.uk">andrew.woodman@nwleicestershire.gov.uk</a></p> <p>Lee Mansfield Environmental Health Team Manager<br/>01530 454610<br/><a href="mailto:lee.mansfield@nwleicestershire.gov.uk">lee.mansfield@nwleicestershire.gov.uk</a></p> <p>Andy Cooper Licensing Team Leader<br/>01530 454844<br/><a href="mailto:andy.cooper@nwleicestershire.gov.uk">andy.cooper@nwleicestershire.gov.uk</a></p> |
| Purpose of report            | To present a draft hackney carriage and private hire driver policy and private hire operator conditions, for approval.   |
| Council Priorities           | Business & Jobs<br>Homes and communities   |
| Implications:                |  |
| Financial/Staff              | All staffing costs associated with the preparation, consultation, adoption and enforcement of the Hackney Carriage and Private Hire Fit and Proper Person Policy and Private Hire Operator Licence Conditions can be met by the existing level of staff.   |
| Link to relevant CAT         | Not applicable.  |
| Risk Management              | No significant risks identified.<br>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 Chief Executive     | The report is satisfactory  |
| Comments of Section 151 Officer | The report is satisfactory  |
| Comments of Monitoring Officer  | The report is satisfactory  |
| Consultees                      | Licensing Committee<br>District Councillors - NWLDC<br>Existing private hire operator licence holders<br>Public/Customers<br>National Private Hire Association<br>Leicestershire Police   |
| Background papers               | NWLDC Hackney Carriage and Private Hire Driver Fit & Proper Person Policy – Issue 16<br>NWLDC Private Hire Operator Conditions<br>Institute of Licensing. Guidance on determining the suitability of applicants and licensees in the hackney carriage and private hire trades. 26.04.18   |
| Recommendations                 | <p><b>1. THAT LICENSING COMMITTEE CONSIDERS AND APPROVES THE DRAFT PRIVATE HIRE OPERATOR LICENCE CONDITIONS (APPENDIX 1)</b></p> <p><b>2. THAT LICENSING COMMITTEE CONSIDERS AND APPROVES THE DRAFT HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING FIT AND PROPER POLICY (APPENDIX 2)</b></p> <p><b>3. THAT AUTHORITY TO MAKE AMENDMENTS TO THE HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY AND PRIVATE HIRE OPERATOR LICENCE CONDITIONS TO REFLECT CHANGES IN LEGISLATION AND CENTRAL GOVERNMENT POLICY AND GUIDANCE IS DELEGATED TO THE ENVIRONMENTAL HEALTH TEAM MANAGER</b></p> |

## 1.0 Background

- 1.1 A private hire operator (PHO) is the person who takes a booking for a private hire vehicle (PHV), and then dispatches a PHV driven by a licensed private hire driver (PHD) to fulfil that booking. All three licences (PHO, PHV and PHD) must be granted by the same licensing authority. A licensing authority cannot grant a PHO unless the applicant has the right to work in the UK and is a fit and proper person.



- 1.2 The role of the PHO goes far beyond simply taking bookings and dispatching vehicles. In the course of making the booking and dispatching the vehicle and driver, the PHO will obtain significant amounts of personal information. It is therefore vital that a PHO is a trustworthy and reliable as a driver, notwithstanding their slightly remote role. Hackney carriages can also be pre-booked, but licensing authorities should be mindful that where that booking is made by anybody other than a hackney carriage driver, there are no controls of vetting procedures in place in relation to the person who takes that booking and holds that personal information.
- 1.3 To be consistent and ensure that informed decisions are made, it is important to have a working test of fitness and propriety for PHOs. The following test is applied:
- “Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes?”
- 1.4 The current private hire operator conditions were approved by Licensing Committee in 2010. Any amendment to these conditions must be approved by the Licensing Committee.
- 1.5 The current fit and proper person policy was approved by Licensing Committee in February 2017 and amended to reflect legislative change in 2018 and 2019. Any amendment to this policy other than those made to reflect changes in legislation or Government policy must be approved by the Licensing Committee.
- 1.6 In 2018 the Institute of Licensing published guidance on determining the suitability of applicants and licensees in the hackney and private hire trades. The current fit and proper person policy and conditions have been reviewed in response to the publication of this document.

## **2.0 Consultation**

- 2.1 A consultation period commenced on 5 July 2019 and ended on 26 September 2019. The following individuals and groups were consulted:
- All current private hire operator licence holders;
  - Leicestershire police;
  - Licensing Committee
  - Public and passengers were also consulted by placing the consultation documents on the Council’s web site.
- 2.2 A total of 5 responses were received.

## **3.0 Summary of consultee feedback**

Responses have been filtered by licence holders and other interested persons

- 3.1 Conditions relating to standards of service

The draft licence conditions relating to service standards have been amended and added to. The most significant changes are:

- New requirement for operators to undertake sufficient checks to satisfy themselves that only suitable staff are used to operate telephones and radios (and continue to be used) in the course of their business. (condition 1.10)
- New requirement for operators to notify the council of any changes in partnership, directorship, ownership where the operator is a limited company. All directors and partners to undergo fit and proper assessment. (condition 1.11)
- New requirement for the person in control to notify the council if they are going to be absent from the business for 1 month or more. (condition 1.13)

|                | Licence holder | Other interested persons | Total |
|----------------|----------------|--------------------------|-------|
| Supportive     | 4              | 1                        | 5     |
| Not supportive | 0              | 0                        | 0     |

The proposed changes received full support from consultees.

No amendments were made to the proposed changes.

### 3.2 Conditions relating to records of bookings

The draft conditions relating to the recording of bookings have been amended and added to. The most significant changes are:

- Loose leaf registers no longer acceptable (condition 2.1)
- Changes have been made to the use of electronic booking systems (condition 2.2)
- The retention period for records has increased from 6 months to 1 year (condition 2.3)
- Small changes have been made to the content of the records (conditions 2.4, 2.5, 2.6)
- A requirement relating to accepting bookings involving assistance dogs to reflect the law (condition 2.10)
- A requirement to handle and store sensitive information appropriately (condition 2.11)

|                | Licence holder | Other interested persons | Total |
|----------------|----------------|--------------------------|-------|
| Supportive     | 3              | 1                        | 4     |
| Not supportive | 1              | 0                        | 1     |

Comment: Would prefer to keep loose sheet (condition 2.1)

The proposed changes were supported in the main.

No amendments were made to the proposed changes.

### 3.3 Conditions relating to change of base / address

Changes have been made to the draft conditions relating to a change of an operator base  
They include:

- Addition of a condition stating that normally operator bases based at a residential domestic property is restricted to two vehicles, unless planning permission is first obtained. (condition 4.2)

|                | Licence holder | Other interested persons | Total |
|----------------|----------------|--------------------------|-------|
| Supportive     | 4              | 0                        | 4     |
| Not supportive | 1              | 0                        | 1     |

No comments received

The proposed changes were support in the main.

No amendments were made to the proposed changes.

### 3.4 Conditions relating to the disclosure of arrests, cautions or convictions / criminal record checks

Changes have been made to the draft conditions relating to disclosure of arrests, cautions or convictions and criminal record checks. Changes include:

- Time period by which the council must be notified of sexual and violent related convictions etc. changed from 7 days to 24 hours (condition 5.1)
- Requirement for private hire operator licence holders who are also drivers to subscribe to the DBS online update service (condition 5.2)
- Requirement for PHV operators to evidence that they have had sight of a basic DBS check on all individuals that take bookings or dispatch vehicles (condition 5.4)
- Requirement for PHV operators to provide to the licensing authority their policy on employing ex-offenders that will take bookings or dispatch vehicles (condition 5.5)

|                | Licence holder | Other interested persons | Total |
|----------------|----------------|--------------------------|-------|
| Supportive     | 5              | 0                        | 5     |
| Not supportive | 0              | 0                        | 0     |

The proposed changes received full support from consultees.

No amendments were made to the proposed changes.

### 3.5 Conditions relating to staff training

Changes have been made to the draft conditions relating to staff training. They include:

- A requirement for operators to attend the operator training and pass a knowledge test at the end of the training. Content will include safeguarding and CSE as well as operator licence conditions. Training to be refreshed every 3 years (condition 6.6)

|            | Licence holder | Other interested persons | Total |
|------------|----------------|--------------------------|-------|
| Supportive | 1              | 1                        | 2     |

|                |   |   |   |
|----------------|---|---|---|
| Not supportive | 1 | 0 | 1 |
| No opinion     | 2 | 0 | 2 |

Comments received:

No mention if the cost is to be met by the operator or service provider.

Drivers should continue to be the eyes and ears – operators must understand the requirement and enforce that through internal training.

Following comments received the amendments have been made to the proposed condition.

The initial proposal to require operators to attend training and pass a knowledge test every 3 years has been removed.

The following condition is proposed:

A requirement for private hire operators to attend a Child Sexual Exploitation training session (condition 6.6).

A requirement for private hire operators to ensure that all staff used on telephones and radios / taking bookings have been made aware of how to spot the signs of child sexual exploitation and the reporting process (condition 6.7).

### 3.6 Conditions relating to insurance amended

- A new requirement for an operator to hold public liability insurance and employers liability insurance has been added to the draft conditions (condition 7.3).

|                | Licence holder | Other interested persons | Total |
|----------------|----------------|--------------------------|-------|
| Supportive     | 2              | 1                        | 3     |
| Not supportive | 1              | 0                        | 1     |
| No opinion     | 1              | 0                        | 1     |

No comments received.

The proposed changes were support in the main.

No amendments were made to the proposed changes.

### 3.7 Conditions relating to the display of the licence and conditions

- A condition requiring the display of a copy of the licence at the operators premises has been added to the draft conditions (condition 9.2)

|                | Licence holder | Other interested persons | Total |
|----------------|----------------|--------------------------|-------|
| Supportive     | 2              | 1                        | 3     |
| Not supportive | 1              | 0                        | 1     |
| No opinion     | 1              | 0                        | 1     |

No comments received.

The proposed changes were support in the main.

No amendments were made to the proposed changes.

### 3.8 Conditions relating to vehicles

- A condition requiring an operator to take reasonable steps to ensure the parking or congregation of vehicles does not cause a nuisance has been added (condition 10.6).

|                | Licence holder | Other interested persons | Total |
|----------------|----------------|--------------------------|-------|
| Supportive     | 2              | 1                        | 3     |
| Not supportive | 1              | 0                        | 1     |
| No opinion     | 1              | 0                        | 1     |

No comments received.

The proposed changes were support in the main.

No amendments were made to the proposed changes.

### 3.9 Conditions relating to the duration of private hire operator licence

- A condition stating that new (initial) licences will be granted for a period of 12 months only (condition 12.1) After the first year subject to satisfactory compliance with licence conditions a renewal would be granted for up to 5 years.

|                | Licence holder | Other interested persons | Total |
|----------------|----------------|--------------------------|-------|
| Supportive     | 3              | 1                        | 4     |
| Not supportive | 0              | 0                        | 0     |
| No opinion     | 1              | 0                        | 1     |

Comments received:

This is great, builds trust with team / provides security to employee

The proposed changes received full support from consultees.

No amendments were made to the proposed changes.

### 3.10 Vetting Procedures of staff

- A policy requiring details of staff vetting procedures to be submitted with an application for a private hire operator licence has been added (paragraph 14.2 and 14.5).

|                | Licence holder | Other interested persons | Total |
|----------------|----------------|--------------------------|-------|
| Supportive     | 0              | 1                        | 1     |
| Not supportive | 2              | 0                        | 2     |
| No opinion     | 2              | 0                        | 2     |

Comments received:

Goes too far. Employer already very restricted on types of questions to ask. Plus interviewees always on best behaviour at interview. Point?...that it's difficult to really know what a candidate is like until you get to know them. Leave background checking to DBS.

Following the consultation process the proposal to require details of staff vetting procedures to be submitted with an application for a private hire operator licence has been removed.

The amended proposal now reads:

Operators have overall responsibility for all persons that they employ, contract or use in the course of delivering their private hire operator's business. To that end, the Operator must undertake sufficient checks to satisfy themselves that only suitable drivers and other staff are used (and continue to be used) in the course of their business. The failure of an Operator to ensure that appropriate checks are carried out, may call into question the operator's fitness and propriety. In addition, a failure to take appropriate action in relation to telephonists employed (subject to complaints) and licensed drivers that breach licence conditions, licensing policy or who receive convictions may also be detrimental to the continued fitness and propriety of the operator.

All operators are required to have a documented vetting procedure for persons they employ or use in the delivery of their business. A vetting procedure shall cover any pre-employment checks and how the company responds to complaints or concerns received relating to any staff employed. (paragraph 14.5)

### 3.11 Training / Knowledge test

- A policy requiring applicants / licence holders to undergo agreed private hire operator training and pass a knowledge test relating to licence conditions and safeguarding has been added (paragraph 14.4).

|                | Licence holder | Other interested persons | Total |
|----------------|----------------|--------------------------|-------|
| Supportive     | 1              | 1                        | 2     |
| Not supportive | 2              | 0                        | 2     |
| No opinion     | 1              | 0                        | 1     |

Comments received:

Never really understood why the employee needs to know the ins and outs of what an operator should know. Already has enough compliance to contend with. Step too far.

Following consultee feedback the proposed policy relating to training has been amended. The amended policy reads:

All private hire operators are required to undertake agreed child sexual exploitation training. All new applicants will be required to undergo the training within 12 months of being licensed. All existing licence holders must undergo training within 12 months of the introduction of this policy (Date to be inserted).

Where an operator fails to attend appropriate training their licence will be suspended / revoked. Any subsequent application to renew their licence will be treated as an application for the grant of an operator'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.

All private hire operators must ensure that all staff employed to operate telephones and radios / taking bookings have been made aware of how to spot the signs of child sexual exploitation and the reporting process.

### 3.12 Duration of initial private hire operator licences

- A policy limiting the first grant of a private hire operator licence to 12 months to enable a review of the operation of the new business and its ability to comply has been added (paragraph 14.6).

|                | Licence holder | Other interested persons | Total |
|----------------|----------------|--------------------------|-------|
| Supportive     | 3              | 1                        | 4     |
| Not supportive | 0              | 0                        | 0     |
| No opinion     | 1              | 0                        | 1     |

No comments received

The proposed changes were support in the main.

No amendments were made to the proposed changes.

### 3.13 Basic DBS Check – Vehicle Proprietors

- A policy requiring the submission of a basic DBS with all new vehicle licence applications unless the applicant is also a licensed driver or operator has been added.

|                | Licence holder | Other interested persons | Total |
|----------------|----------------|--------------------------|-------|
| Supportive     | 5              | 0                        | 5     |
| Not supportive | 0              | 0                        | 0     |

No comments received

The proposed changes received full support from consultees.

No amendments were made to the proposed changes.

## 4.0 Future Amendments to Hackney Carriage & Private Hire Policy and Private Hire Operator Licence Conditions

- 4.1 The hackney carriage and private hire policy and private hire operator conditions will require further amendments from time to time to reflect changes arising directly from updates to legislation and central government policy, guidance and practice. In order to ensure any such changes in legislation and central government policy are effectively reflected in the policy in a timely manner it is proposed that such amendments are delegated to the Environmental Health Team Manager.

## **5.0 Next Steps**

To publish the policy and communicate to current licence holders.

1 January 2020 – Commencement date of policy

The revised policy and conditions will apply to all current licences from 1 January 2020



North West Leicestershire District Council

# Private Hire Operator Licence Conditions

Issue 3 – Draft

Section 55(3) of the Local Government (Miscellaneous Provisions) Act 1976 states that “A District Council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary”.

**IMPORTANT:**

The following sets out the requirements on private hire operators in relation to their licence and licensing policy. Operators MUST take full responsibility to read this information and ensure that they comply with it at all times.

The address of the operator's base (on the application form and licence issued) cannot be transferred to another individual/company or another premises address. A new Private Hire Operator (“PHO”) application MUST be made in these circumstances.

**1. STANDARDS OF SERVICE**

The private hire operator shall:

- 1.1 Comply with the Council's hackney carriage and private hire licensing policy at all times, including compliance with the Code of Good Conduct and promote the aims of the licensing policy in relation to public safety and safeguarding.
- 1.2 Provide a prompt, efficient and reliable service to members of the public at all reasonable times ensuring customers are picked up and reach their destination journey in line with the booking made.
- 1.3 Ensure that any office staff and drivers employed or sub contracted by the operator, act in a civil and orderly manner at all times whilst representing the company and/or carrying out private hire or pre booked (hackney carriage) duties and are fully trained to carry out these duties with training records recorded and updated.
- 1.4 Ensure, that when a private hire vehicle has been hired, that it arrives punctually at the appointed time and place, unless delayed or prevented by unforeseen circumstances, in such circumstances the customer MUST be notified as soon as possible of this delay. It is therefore essential that full customer contact details are taken to enable this contact to be made. A text back system is recommended as good practice.
- 1.5 Where the fee is agreed in advance, the operator shall ensure that no more than the agreed fare is paid.
- 1.6 Where a request for a hiring is received and the vehicle to be used for that hiring is not fitted with a meter, the operator must inform the person making the booking and shall not accept the booking without first telling that person the basis of the hire charge (and if requested, put that information in writing).
- 1.7 Ensure that premises provided for the purpose of booking or waiting for a vehicle are supervised at all times, kept clean and are adequately lit, heated and ventilated.
- 1.8 Ensure that any waiting area provided has adequate seating facilities and telephone facilities and that radio equipment is in good working order and that the whole premises is 'smoke free' at all times if office/premises is used by members of the public, employees or drivers. Signs should be prominently displayed informing of this legal requirement.
- 1.9 Fulfil their responsibilities to ensure compliance with legislation regarding the length of working hours of drivers used by accurately recording shift details (logging on/off) to avoid excessive working hours of the driver and potential impact on public safety.

- 1.10 Important:** The Operator is responsible overall for all persons that they employ, contract or use in the course of delivering their private hire operator's business. To that end, the Operator must undertake sufficient checks to satisfy themselves that only staff are used to operate telephones and radios (and continue to be used) in the course of their business. The failure of an Operator to ensure that appropriate checks are carried out, may call into question the operator's fitness and propriety. In addition, a failure to take appropriate action in relation to telephonists employed (subject to complaints) and licensed drivers that breach licence conditions, licensing policy or who receive convictions may also be detrimental to the continued fitness and propriety of the operator.
- 1.11** Where the Operator is a limited company then the Operator must notify the Council in writing of any change in partnership, directorship, ownership, management or control of the business **within 5 working days of that change taking place**. All Directors and partners must be considered individually as being fit and proper to hold an operator's licence. **The licence cannot be transferred to another individual/company at any time. A new PHO application would be required.**
- 1.12** The Operator must notify the Council in writing **within 7 calendar days** of any other material change affecting the licence during its validity.
- 1.13** A licensed operator or person in control of the day to day operation **must** inform the council in writing if they are going to be absent from the day to day running of the operator's business for a period of 1 month or more. In doing this, the operator must give the name of the person that will be responsible for the running of the business on their behalf. The individual named must have relevant experience and understanding of private hire law and the Council's private hire licensing policy to ensure effective running of the business.
- 1.14** The **Operator shall** ensure that any person left in charge of the premises in the absence of the **Operator** is fully aware of these conditions of licence, particularly those relating to the keeping and maintaining of records for drivers, vehicles, and bookings, and the need to comply with those conditions **at all times** and has knowledge of private hire law requirements.
- 1.15** The **Operator shall** ensure that every proprietor of a Private Hire vehicle, or driver of a Private Hire vehicle operating under their Operator's licence and is acquainted with, understands, and observes the conditions attached to that licence.
- 1.16** Operators **must** conduct their business in accordance with all relevant statutory provisions. This includes health, safety and welfare legislation, environmental legislation, fire safety and equalities legislation.

## **2. RECORDS OF BOOKINGS**

- 2.1** The record required to be kept by the operator under section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a **permanent, legible, non-erasable form in a** suitable book or ledger which has consecutively numbered pages or on a computer system where a print out of the details of every booking can be provided when requested to do so by an Authorised Officer. **Loose leaf registers are not acceptable.**
- 2.2** If an operator chooses to use an electronic booking system the system **must be approved by the Licensing Authority**, and have an audit log which details any amendments made to the bookings. The Operator must ensure that adequate supplies of continuous stationery and ink cartridges are maintained and that the printer is appropriately replenished to ensure that at all time **full and legible** booking details are printed, or a computerised recording system which automatically generates a permanent entry onto a recordable CD or DVD at the same time the booking is entered onto the system. Satisfactory certification from the program supplier/installers must be produced to the Council before using any such system for the recording of bookings required by law to be maintained. Such certification must confirm that the system stored or recorded is tamper-proof; and once, inputted cannot be altered, amended, deleted or added to in any way.

2.3 The operator shall keep all records for a period of at least 12 months following the date of the last entry. All records must be made available for inspection when requested to do so by an Authorised Officer.

2.4(b) The operator shall enter in the record book, before the commencement of each journey, the following particulars of every booking of a private hire vehicle invited or accepted by him, pursuant to section 56 (2) of the Local Government (Miscellaneous Provisions) Act 1976, namely:

- (i) the signature or identity of the person taking and recording the booking;
- (ii) the day, time and date that the booking was made;
- (iii) the details (i.e. name, address and telephone number) of the hirer;
- (iv) the day, time, date and location(s) of the pick-up points of the hirer;
- (v) the location of the destination;
- (vi) the registration number, plate number or call sign of the vehicle and the name of the driver allocated for the booking;
- (vii) the time at which a driver was allocated to the booking;
- (viii) any specific request made by the customer for the booking not to be sub-contracted to another operator and the response given;
- (ix) remarks (including details) of whether the booking is a sub-contract from another operator or is to be sub-contracted by the operator;
- (x) the fare quoted for the journey;
- (xi) the number of persons to be carried on each journey;
- (xii) how the booking was made: by telephone call/personal visit/email/website:-
- (xiii) hackney carriages: Details of any bookings subcontracted to hackney carriages as pre-booked work, details to be recorded as above;
- (xiv) the date/time the booking was completed or cancelled.

The Operator must ensure that any booking clerk/telephonist involved is fully trained and competent in the recording of bookings and operating the system used. Training records confirming this and dates must be kept on file.

#### Vehicles

2.5(e) The operator ~~must~~shall also keep a record of the particulars of all~~any~~ private hire vehicles operated by him/her, pursuant to section 56 (3) of the Act such details to include ~~showing~~ the following details:

- (i) make of the vehicle;
- (ii) model of the vehicle;
- (iii) manufacturer of the vehicle;
- (iv) colour of vehicle;
- (v) registration number of the vehicle;
- (vi) the number of seats for passengers;
- (vii) proprietor and driver(s) of the vehicle;
- (viii) any radio call sign of the vehicle;
- (ix) private hire vehicle licence/plate number;
- (x) the date of the expiry of the private hire vehicle licence;
- (xi) details of insurance to include date of expiry and the insurance provider and named drivers on the insurance policy:-
- (xii) whether a meter is fitted in the vehicle.

Hackney carriages: A copy of all hackney carriage vehicle and driver licences and relevant insurance should be kept by the operator if the vehicles are used by the operator for any pre-booked work for the company and should be available for inspection. Records should be kept of these bookings and how they were carried out.

## Drivers

~~2.6(d)~~ The operator must keep an up to date schedule of the particulars of all drivers of private hire vehicles operated by him/her, pursuant to section 56 (3) of the Act he employs or uses ("the Operator Driver Schedule"). The Operator Driver Schedule must record the following information:

- (i) full names of the drivers of vehicles and their radio call signs;
- (ii) address of the driver;
- (iii) contact details of the driver;
- (iv) date of expiry of his/her private hire driver's licence;
- (v) date of his/her next medical;
- (vi) if the operator becomes aware that any driver is suffering from any illness, disability or condition which may affect the driver's ability to safely carry out his/her duties, record details of that information and inform the Licensing Authority of this immediately;
- (vii) date when any new driver begins service with the operator;
- ~~(v)~~~~(viii)~~ details of when any driver's service ceases with the operator;
- ~~(vi)~~~~(ix)~~ record date when the CRB will be 3 years old;
- ~~(vii)~~~~(x)~~ date of expiry of his DVLA driving licence;

2.7 It is the sole responsibility of the PHO to ensure that before despatching vehicles and drivers for a booking that every private hire vehicle on the private hire operator's licence is driven by a person who holds a PHD licence issued by the same Licensing Authority and that their insurance is both relevant and valid. The Operator must personally examine driver, and vehicle licences and insurance certificates to satisfy himself/herself as to their validity.

2.8 The operator is responsible for the general condition and roadworthiness of the licensed vehicles they despatch and for ensuring all drivers are familiar with conditions and legislation relating to the vehicle and licence. The operator may also be subject to enforcement action if a driver has committed an offence.

2.9 The Licensing Authority has the right to suspend or revoke an operator's licence under the legislation for any reasonable cause if it has concerns around the lawful operation of that business, that there have been material changes since the licence was granted or that the Operator named on the licence is not the person running that business, or the aims of the licensing policy are not being promoted or the operator is no longer considered to be fit and proper to hold that licence.

2.10 Assistance Dogs: The Operator must not fail or refuse to accept a booking by or on behalf of a disabled person accompanied by an 'assistance dog' when the reason for failure or refusal is that the disabled person will be accompanied by the 'assistance dog'.

2.11 The Operator must ensure that any personal information obtained during the course of their business is stored securely, and only retained for as long as is absolutely necessary. Access to this information must be restricted to only those persons who will use it for the purpose for which it has been collected. Personal information must not be used for any other purpose other than that for which it was collected without the express permission of the individual to which the information relates, or for some other reason as dictated by legislation. Where there is a public waiting area or driver waiting area the personal data must not be in sight of members of the public, customers or drivers. Measures must be in place to keep all personal audio and written data private and secure.

2.12 The booking records must be kept at all times at the PHO licensed business premises and not removed other than by an authorised officer of the Licensing Authority as required to assist with investigations and dealing with complaints.

~~(e) The operator shall keep all records for a period of not less than 6 months following the date of the last entry. All records must be made available for inspection when requested to do so by an Authorised Officer.~~

## 2. NOMINATED PERSON

- ~~(a) If the operator is a limited company then a person should be nominated who is in charge of the day to day running of the operator's business. This nomination should be notified to the Council.~~
- ~~(b) Any changes to the nominated person should be notified in writing to the Council within 7 days.~~

### ~~3. STANDARD OF SERVICE~~

- ~~(a) The operator shall provide a prompt, efficient and reliable service to members of the public at all times and shall in particular:~~

~~Ensure that, when a private hire vehicle has been hired to be in attendance at an appointed time and place, the driver attends punctually at that appointed time and place, unless delayed or prevented by some sufficient cause.~~

~~Keep clean, adequately heated, ventilated and lit any part of the premises provided for the public, whether for the purpose of making a booking or waiting.~~

~~Ensure that any public waiting area at the premises has adequate seating facilities.~~

~~Ensure that any telephone facilities and radio equipment provided at the premises are maintained in a safe condition and comply with statutory requirements.~~

~~Where the fee is agreed in advance, the operator shall ensure that no more than the agreed fare is paid.~~

~~Where a request for a hiring is received and the vehicle to be used for that hiring is not fitted with a meter, the operator must inform the person making the booking and shall not accept the booking without first telling that person the basis of the hire charge (and if requested, put that information in writing).~~

### 34. COMPLAINTS

3.1 ~~(a)~~ In any part of the premises to which the public have access, the operator shall prominently display a notice stating that “All complaints, compliments and comments are welcomed and should be directed in the first instance to: (Name of the Nominated Person)”. The notice should also state “If your complaint is not adequately dealt with, please contact the District Council’s Licensing ~~Team~~Section on [licensing@nwleicestershire.gov.uk](mailto:licensing@nwleicestershire.gov.uk) or 01530 454545.”

3.2~~(b)~~ On receipt of a complaint, the operator shall document in a suitably bound book or on any other approved system, the following information:

- (i) date and time of complaint;
- (ii) contact details of the complainant;
- (iii) name of driver(s) against whom the complaint has been made;
- (iv) badge number of driver;
- (v) vehicle registration number;
- (vi) details of allegation including complaints of dissatisfaction with service delivery or any alleged breach of contract with the operator;
- (vii) date investigation was completed;
- (viii) action taken.

~~A complaint template can be downloaded from [www.nwleics.gov.uk](http://www.nwleics.gov.uk)~~

3.3~~(c)~~ The complaint records referred to above shall be held and secured at the operators business address and shall be immediately available at the request of an ~~a~~Authorized ~~o~~Officer of the Licensing Authority or by a Police Officer at all reasonable times. Records shall be kept for a minimum period of 12 months~~one year~~.

3.4~~(d)~~ The operator shall, within 7 days from the date of receipt of any complaint, notify the Council in writing of any unresolved complaint received by the operator.

3.5 ~~The Operator must train all office staff and drivers on how to record complaints and what action is required once a complaint is received. A training log must be completed to confirm this training has been carried out and updated annually and as licensing policies change.~~

### 45. CHANGE OF BASE OR HOME ADDRESS OR OWNERSHIP

4.1 The operator shall notify the Council in writing of any change of his address (including any address from which he operates or otherwise conducts his business as an operator) during the period of the licence within ~~48 hours~~7 days of such change. A revised licence will be issued. ~~THERE IS NO TRANSFER OF A PRIVATE HIRE OPERATOR'S LICENCE SHOULD THE OWNERSHIP CHANGE.- A NEW APPLICATION WOULD HAVE TO BE MADE.~~

4.2 ~~Where the operator’s business is based at a residential domestic property the licence is normally restricted to the operation of one or two household licensed vehicles only or one household licensed vehicle and one other licensed private hire vehicle (partnership/employment arrangement) as long as the other vehicle does not return to the PHO base after each booking, unless planning permission is first obtained for use as a commercial private hire operator’s office and in such cases the number of vehicles may increase.~~

### 56. DISCLOSURE OF ARRESTS, CAUTIONS OR CONVICTIONS/CRIMINAL RECORD CHECKS

5.1 ~~The operator must notify the council within 24 hours details of any arrest, conviction or caution by the police relating to offences relating to indecency or of a sexual or violent nature.~~

~~The operator must notify the Council in writing, within 7 days, details of any interview, arrest, conviction, caution or Anti-Social Behaviour Order (ASBO) by the Police or other Licensing Authority in respect of any matter AND any fixed penalty notice (motoring or otherwise) imposed on him or the~~



Nominated Person during the period of the licence. If the operator is a company or partnership, any action listed above taken against the company or any of the directors or partners must also be notified to the Council.

5.2 All licence holders (who are also licensed drivers) must subscribe to the Disclosure and Barring Service Online Update Service. Any costs associated with maintaining this subscription must be met by the licence holder. The licence holder must give permission in writing for the council to undertake checks of their DBS status on renewal and when the council consider it necessary to do so. The council will use the update service to monitor the criminal record of its licence holders.

5.3 Any operator **not currently licensed by the Council as a licensed driver** must submit to the Council a basic criminal records disclosure as to unspent convictions, such disclosure to be no more than 6 weeks old at the time of a valid application.

5.4 The operator shall evidence that they have had sight of a basic DBS check on all individuals that take bookings or dispatch vehicles.

5.5 The operator shall provide to the council a policy on employing ex-offenders that will take bookings or dispatch vehicles.

## **67. STAFF AND STAFF TRAINING**

6.1 ~~(a)~~ — The operator shall notify the Council within 7 days of the commencement of employment of any private hire driver.

6.2 ~~(b)~~ The operator shall notify the Council within 7 days of the termination of employment or of operation of any private hire driver or of any private hire vehicle.

6.3 ~~(c)~~ The operator shall notify in writing to the council within 7 days of the termination of any arrangement which the operator provides a service of a driver who is ~~self-employed~~ self-employed.

6.4 ~~(d)~~ The operator shall encourage and assist drivers in reporting racist or homophobic behaviour, verbal and physical assaults on drivers to the Police and Council. A template incident reporting form for staff is available to download at [www.nwleics.gov.uk](http://www.nwleics.gov.uk).

6.5 ~~(e)~~ The operator shall take all reasonable steps to ensure that drivers of vehicles employed, used or controlled by him comply with the conditions attached to their private hire vehicle driver's licence and all other relevant statutory requirements.

6.6 All PHO's must ensure that the person responsible for the operational management of the private hire business undertake the councils child sexual exploitation training upon initial application. All existing operators will be required to complete the training within 12 months of this policy coming into effect. If the training is not completed as required then the operator's licence will be suspended until the training is completed. If training has already been done as a licensed driver this will be taken into account.

6.7 All PHO's must ensure that all staff employed to operate telephones and radios / taking bookings have been made aware of how to spot the signs of child sexual exploitation and the reporting process

## **78. VEHICLE INSURANCE, TAX AND MOT**

7.1 ~~(a)~~ — The operator shall ensure that every private vehicle operated by him/her in accordance with this licence is covered by a valid policy of insurance for private hire (or such security as complies with statutory requirements), is taxed and has (if necessary) a current MOT certificate.

7.2 ~~(b)~~ — Where the operator has in force a fleet insurance policy with vehicle owners and drivers renewing their insurance cover on a weekly basis, the operator shall supply to the Council on a



weekly basis (or a lesser frequency as agreed with the Licensing Officer) the details of all vehicles and drivers covered by that insurance.

7.3 If the operator has premises to which **any member of the public has access**, in connection with the hiring of vehicles or for other reasons, he/she shall ensure that there is **public liability to a minimum cover of £2million and/or employers liability insurance in force at all times**, which indemnifies the operator against any claim for loss, damage or personal injury by any person using or working on those premises. This insurance must be available for inspection upon request. All licensed Operators shall have in force an Employers Liability Insurance policy complying with the Employers Liability (Compulsory Insurance) Act 1969 covering death or personal injury arising out of any incident during the course of a person's employment.

## **8. ADVERTISING OF OPERATOR'S BUSINESS**

8.1 A private hire operator may only use the words '**Licensed Private Hire**' when advertising his/her business. The words '**Taxi, Cab or Hackney Carriage**' or any combination thereof **must not be used**. Any advertising of the operator's business, no matter in what form, shall include the operator's name and/or their trade name as approved in advance by the Council in accordance with the name entered on the operator's licence issued by the Council. **No other forms of advertising of the private hire business can be used without the permission of the Licensing Authority. The Council will not authorise the use of a trading name of a previous licensed Operator.**

8.2 The Operator must not trade under any name for private hire purposes unless such trade name has been approved in advance by the Council and has accordingly been entered on the Private Hire Operator's Licence issued by the Council. Where a PHO licence has been revoked by the Authority the use of that Operators name cannot be used as a trading name.

## **9. DISPLAY COPY OF LICENCE AND CONDITIONS**

9.1 The operator shall at all times keep a copy of these conditions on any premises used for the purpose of the private hire business and shall make it available for inspection by the hirer or any other passenger on request.

9.2 The operator shall, at all times, display a copy of the PHO licence at the premises used by him/her for a private hire business.

## **10. VEHICLE LICENCES**

10.1(a) The operator must report in writing any damage that affects the safety, performance or appearance or the comfort or convenience of passengers carried therein of any private hire vehicle that is owned, used or controlled by him to the Council within 72 hours. Any damages so reported must be repaired within a specified timescale agreed by the Council.

10.2(b) The operator must ensure that all vehicles operating for the company are maintained in a safe, comfortable, clean and tidy condition at all times whether or not the operator owns the vehicle. The operator must ensure that at all times all vehicles meet all relevant legal obligations including the vehicle conditions imposed by the Council.

10.3(e) The operator must have in place a schedule to ensure that all vehicles are visually inspected on a daily basis. A record of the visual inspection shall be kept for a period of at least 6 months. Any defects identified must be repaired within a reasonable amount of time as agreed by the Council.

10.4(f) The operator shall be responsible for every contract for the hire of a private hire vehicle and shall ensure that every private hire vehicle whether or not the operator provides the vehicle is in possession of a current licence granted under the provisions of the Local Government (Miscellaneous Provisions) Act 1976.

~~10.5(e)~~ The operator shall ensure that all mandatory door signs are displayed at all times on private hire vehicles (unless an exemption is in place) operating from his/her company and that all such signs on all private hire vehicles operating from his/her company are of the same design and style.

~~10.6~~ The Operator shall take all of the necessary measures, including those requested by a Licensing Officer, Police Officer, or Other Authorised Officer to prevent vehicles in its employment, from parking or congregating in such a manner as to cause a nuisance to any reasonable person.

## 11. DRIVER LICENCES

~~11.1~~ The operator shall be responsible for every contract for the hire of a private hire vehicle and shall ensure that every private hire driver is in possession of a current licence granted under the provisions of the Local Government (Miscellaneous Provisions) Act 1976.

## 12. DURATION OF LICENCE

~~12.1~~ The PHO's licence will be valid for an initial period of 12 months (new applications). Renewal applications will be granted for a period of between 1 and 5 years. The responsibility for renewing and submitting all paperwork before the expiry of the existing licence rests with the licence holder. If the date of renewal is missed then the licence will lapse and a new application will have to be made.

## 13. COMPLIANCE

The operator shall take all reasonable steps to ensure that all drivers, staff and vehicle licence licensees observe and perform the conditions of their licences and do not commit any offences under the Town Police Clauses Act 1847, Local Government (Miscellaneous Provisions) Act 1976, Disability Discrimination Act 1995 & 2005 and any general Road Traffic Laws.

If you are aggrieved by any of the conditions attached to the grant of this licence you may appeal to a magistrates' court within 21 days of the service of the licence on you (Section 55(4) of the 1976 Act).

### NOTES:

- (i) FAILURE TO COMPLY WITH ANY OF THE CONDITIONS ATTACHED TO THIS LICENCE MAY RESULT IN THE SUSPENSION OR REVOCATION OF THE PRIVATE HIRE OPERATOR'S LICENCE.
- (ii) IN ADDITION TO THE ~~PHO PRIVATE HIRE OPERATOR~~ LICENCE CONDITIONS, AN OPERATOR MUST HAVE REGARD TO ALL STATUTORY PROVISIONS AND POLICIES WHICH RELATE TO PHO'S PRIVATE HIRE OPERATORS.
  - A. A ~~PHO private hire operator's~~ licence is not transferable and it does not authorise the \_\_\_\_\_ licensee to operate from any address other than the address specified on the operator's licence.
  - B. \_\_\_\_\_ Application for the renewal of the operator's licence should be made following the prescribed process, to the Head \_\_\_\_\_ of Environmental Health on the prescribed form which is available from the \_\_\_\_\_ Council Offices, Coalville. All licence holders will be sent a reminder and access to the necessary forms for renewal in advance of the expiry of the licence. Please note, however, that the responsibility for renewal rests with the licence holder. Reminder letters are sent purely as a courtesy.
  - C. Any authorised officer of the District Council or a police constable can, on request, inspect the records maintained, by virtue of section 56(2) and (3) of the 1976 Act. Section 56(4) allows inspection of the licence granted to the operator by an authorised officer of the Council or a police constable.

- D. \_\_\_\_\_ The grant of an operator's licence does not allow the use of premises as a ~~PHO~~private hire operator's base in the absence of planning permission. It is the licensee's responsibility to check with the District Council's Planning and Development Services at the Council Offices, Coalville whether planning permission is required and to submit a planning application if necessary.

**I confirm that I have read and understood the above conditions. I will comply with the conditions at all times. I understand that any breach of these conditions may result in the suspension or revocation of my private hire operator's licence.**

**Print Name** .....

**Signed** .....

**Dated** .....

**Signed** .....

**Dated** .....



# North West Leicestershire District Council

## Hackney Carriage and Private Hire Licensing **Driver**

### ‘Fit and Proper’ Person Policy

Issue 1**76**

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## 1.0 INTRODUCTION

The Council is required by law to ensure that any persons it licenses either as hackney carriage or private hire drivers or private hire vehicle operators 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 will include a check of all new and renewal applicants against the National Register of Refusals and Revocations (NR3).

When assessing fitness and propriety the following general tests will be used:

Drivers – 'Would you (as a member of the licensing committee or other person charged with the ability to grant a hackney carriage driver's licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?'

Private Hire Operators – 'Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes?'

Vehicle Proprietors – 'Would I be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be satisfied that he/she would not allow it to be used for criminal or other unacceptable purposes, and be confident that he/she would maintain it to an acceptable standard throughout the period of the licence?'

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 or private hire vehicle operator licence.

Drivers and operators 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, licence conditions and byelaws.

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

Licensing Authority - 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 – 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

NR3 – National Register of Refusals and Revocations

## 3.0 HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER – ASSESSMENT OF FIT AND PROPER (SAFE AND SUITABILITY) 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 1<sup>st</sup> October 2015~~ driver's licences will be issued for a period of up to 3 years with the following exceptions:

- 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

- 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 7.0).
- 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 (as amended).
- 7.2 The effect of this legislation is that 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 non-protected 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.

Legislation allows for some convictions or cautions to be filtered from inclusion on a DBS certificate. A certificate must include the following:

- cautions relating to an offence from a list agreed by Parliament (see below).
- cautions given less than 6 years ago (where individual 18 or over at the time of caution).
- cautions given less than 2 years ago (where individual under 18 at the time of caution).
- convictions relating to an offence from a prescribed list (see below).
- where the individual has more than one conviction offence all convictions will be included on the certificate (no conviction will be filtered).

- convictions that resulted in a custodial sentence (regardless of whether served).
- convictions which did not result in a custodial sentence, given less than 11 years ago (where individual 18 or over at the time of conviction).
- convictions which did not result in a custodial sentence, given less than 5.5 years ago (where individual under 18 at the time of conviction).

A [list of offences which will never be filtered from a criminal record check](https://www.gov.uk/government/publications/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check) has been taken from legislation.

<https://www.gov.uk/government/publications/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check>

The list includes a range of offences which are serious, relate to sexual or violent offending or are relevant in the context of safeguarding. It would never be appropriate to filter offences on this list. In addition, the legislation covers equivalent offences committed overseas.

- 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 operator 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 operator licence who are not licensed to drive with this authority are required to submit a basic DBS disclosure.~~

## **8.0 COUNCIL POLICY RELATING TO THE RELEVANCE OF CONVICTIONS (DRIVERS, OPERATORS, VEHICLE PROPRIETORS)**

### **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 or

Vehicle 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 non-protected 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 (as amended), allows the licensing authority to take into account all non-protected 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 or operator 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 or operator.

## Appeals

- 8.4.8 Any applicant refused a driver's or operator'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 (not already listed)
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 or operator 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. Operators hold personal sensitive information relating to customers. 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 licensing 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 All drivers/applicants are subject to a full Group 2 medical examination by a registered GP. The examining GP 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 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 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 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 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 (1 March 2018).~~

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 NATIONAL REGISTER OF HACKNEY CARRIAGE AND PHV DRIVER LICENCE REFUSALS AND REVOCATIONS (NR3)**

12.1 The licensing authority provides information to the National Register of Taxi Licence Refusals and Revocations (NR3), a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or private hire vehicle licence revoked, or an application for one refused. This is necessary to for the performance of a task carried out in the public interest or in the exercise of official authority vested in the licensing authority – that is, assessing whether an individual is a fit and proper person to hold a hackney carriage or private hire vehicle licence.

12.2 All new applicants (private hire driver, hackney carriage driver and dual licences) will be checked against NR3 to confirm whether the applicant has been subject to a previous licensing decision relevant to their current application.

12.3 All applicants for renewal of a private hire, hackney carriage or dual driver licence will be checked against NR3 to confirm whether the applicant has been subject to a previous licensing decision relevant to their current application.

12.4 This is a mandatory part of applying for and being granted a hackney carriage / private hire driver licence. Every application (new and renewal) will always be considered on its own merits.

- 12.5 Where an applicant appears on the national register this information will always be considered when determining a licence application. Further investigation will be carried out in order to fully understand the reasoning for the previous licensing authority concluding that the individual was not fit and proper to hold a licence. Depending upon the nature and context of the decision made by the licensing authority to refuse or revoke, an applicant may be required to submit strong and new evidence to support a different view.
- 12.6 This licensing authority will have proper respect for the decision of a previous authority, having regard to the fact that a driver had the right of appeal to the Magistrates Court against a decision which was wrong or flawed.
- 12.7 Any information received as a result of an NR3 search will only be used in respect of the specific licence application and will not be retained beyond the determination of that application.
- 12.8 A record of all decisions made by this licensing authority to refuse or revoke a hackney carriage/PHV/dual driver's licence will be made on the national register (NR3).

The information recorded on NR3 itself will be limited to:

- Name
  - Date of birth
  - Address and contact details
  - National insurance number
  - Driving licence number
  - Decision taken
  - Date of decision
  - Date decision effective
- 12.9 The register has been populated with historic data of licence revocations and refusals. Information will be retained on NR3 for a period of 25 years.
- 12.10 This licensing authority will respond to any requests by other authorities for further information about entries on NR3. When a request is received information relating to any decision to refuse or revoke will be retrieved from our records. This may include Licensing Sub-Committee reports, officer delegated decision reports/ records and other file notes.
- 12.11 Information will be processed in accordance with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR). Any searches, provision or receipt of information under NR3 are necessary to the licensing authority's statutory licensing functions of ensuring that all drivers are fit and proper to hold the applicable licence. It is not intended that any NR3 data will be transferred out of the United Kingdom.
- 12.12 If you wish to raise any issue related to the data protection legislation you can do so to the Data Protection Officer at North West Leicestershire District Council at [dpo@nwleicestershire.gov.uk](mailto:dpo@nwleicestershire.gov.uk) This includes submitting a subject access request.
- 12.13 You always have the right to make a complaint to the Information Commissioner's Office (ICO). Advice on how to raise a concern about the handling of data can be found on the ICO's website: <https://ico.org.uk/make-a-complaint/>

### **13.0 DRIVER CODE OF GOOD CONDUCT**

- 13.1 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.
- 13.2 The standards expected of licensed drivers are set out in the Code of Good Conduct, included in this policy document at Appendix 3

- 13.3 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.

#### **14.0 PRIVATE HIRE OPERATORS POLICY- ASSESSMENT OF FIT AND PROPER (SAFE AND SUITABILITY)**

14.1 Any person making a booking for a private hire vehicle must hold a relevant licence. Where an application is made by a limited company, formal partnership or registered company, each individual/Director must be separately identified on the application to enable checks to be made in relation to 'fit and proper' person to hold a licence. The licence will be granted in the Limited Companies name in these circumstances.

14.2 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
- A current (no more than 6 weeks old) basic disclosure of criminal convictions record
- Payment for DBS application and knowledge test (cash will not be accepted)
- Documentation for the purposes of immigration check
- A police subject access request or a certificate of good conduct from the relevant embassy in the case of an overseas applicant
- Evidence of public and employer's liability insurance

#### **14.3 DBS Check**

On initial application a basic DBS check is required unless the applicant/licence holder is also a licensed driver and has joined the online DBS Update service. In these circumstances consent will be sought to use the online DBS registration.

Operators will be required to submit a DBS application every 3 years unless the licence holder is also a licensed driver and has joined the online DBS Update service. In these circumstances consent will be sought to use the online DBS registration.

Operators who are not in possession of a current, basic DBS disclosure will not be licensed to operate private hire vehicles.

#### **14.4 Operator Knowledge test**

All private hire operators are required to undertake agreed child sexual exploitation training. All new applicants will be required to undergo the training within 12 months of being licensed. All existing licence holders must undergo training within 12 months of the introduction of this policy (Date to be inserted)

Where an operator fails to attend appropriate training their licence will be suspended / revoked. Any subsequent application to renew their licence will be treated as an application for the grant of an operator'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.

All private hire operators must ensure that all staff employed to operate telephones and radios / taking bookings have been made aware of how to spot the signs of child sexual exploitation and the reporting process

#### **14.5 Vetting Procedures of Staff**

Operators have overall responsibility for all persons that they employ, contract or use in the course of delivering their private hire operator's business. To that end, the Operator must undertake sufficient checks to satisfy themselves that only suitable drivers and other staff are used (and continue to be used) in the course of their business. The failure of an Operator to ensure that appropriate checks are carried out, may call into question the operator's fitness and propriety. In addition, a failure to take appropriate action in relation to telephonists employed (subject to complaints) and licensed drivers that breach licence conditions, licensing policy or who receive convictions may also be detrimental to the continued fitness and propriety of the operator.

All operators are required to have a documented vetting procedure for persons they employ or use in the delivery of their business. A vetting procedure shall cover any pre-employment checks and how the company responds to complaints or concerns received relating to any staff employed.

#### 14.6 Period of Issue of an Operator's Licence

Operator's licences will be issued for a period of up to 5 years with the following exceptions:

- a) New operator licences will be granted for a period of 12 months to enable a review of the operation of the new business and its ability to comply with policy and conditions.
- b) Operators who request a shorter period.
- c) Where a Sub-Committee has determined that a licence shall be granted for a shorter period
- d) Where it is required under the Immigration Act 2016.
- e) Other reasons not covered above where the Licensing Authority considers it appropriate.

#### 14.7 Conditions of Licence

The Licensing Authority is empowered to attach such conditions to a private hire operator's licence as are considered necessary. The standard conditions applied to all private hire operators are set out in Appendix 4.

### **15.0 VEHICLE PROPRIETOR - ASSESSMENT OF FIT AND PROPER (SAFE AND SUITABILITY)**

#### 15.1 Vehicle proprietors (both hackney carriage and private hire) have two principal responsibilities.

- To ensure that the vehicle is maintained to an acceptable standard at all times;
- To ensure that the vehicle is not used for illegal or illicit purposes.

#### 15.2 Pre application requirements are detailed within the Hackney Carriage and Private Hire Vehicle Policy

#### 15.3 DBS Check

On initial application and renewal a basic DBS check is required unless the applicant/licence holder is also a licensed driver or operator and has joined the online DBS Update service. In these circumstances consent will be sought to use the online DBS registration.

#### 15.4 As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to proprietors as those ~~applied~~ applied to drivers and operators, which are outlined at section 8.

### **164.0 DELEGATION**

#### 164.1 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 <sup>st</sup> December 2008   | Licensing Committee<br>26 November 2008               | Introduction of Driving Standards Assessment   |
| 2            | 10 <sup>th</sup> December 2008  | Commercial Services Manager                           | Minor amendment to contact details of DSA at paragraph 3e  |
| 3            | 15 <sup>th</sup> March 2009     | Commercial Services Manager                           | Minor amendment to paragraph 1 (Introduction). Insertion of new second sub-paragraph   |
| 4            | 27 <sup>th</sup> January 2010   | Licensing Committee<br>27 <sup>th</sup> January 2010  | Introduction of new knowledge test   |
| 5            | 3 <sup>rd</sup> June 2010       | Licensing Committee<br>2 <sup>nd</sup> June 2010      | Paragraph 5.3 – Amendment of date from 1 <sup>st</sup> July 2010 to 1 <sup>st</sup> October 2010.<br>Paragraph 5.6 - Amendment to enforcement policy.  |
| 6            | 1 <sup>st</sup> December 2012   | Licensing Committee<br>28 <sup>th</sup> 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 <sup>th</sup> 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 <sup>st</sup> March 2013     | Licensing Committee<br>20 <sup>th</sup> March 2013    | Insertion of section on Disability Awareness Training  |
| 9            | 30 <sup>th</sup> September 2015 | Environmental Health Team Manager                     | Insertion of paragraph 3.2 – Period of Issue of a licence to reflect a legislative change<br>Paragraph 5.0 – Amendment to reflect change to DVLA policy<br>Minor amendment to paragraph 6.9 (clarify permitted number of retakes |
| 10           | 16 <sup>th</sup> June 2016      | Licensing Committee<br>15 <sup>th</sup> 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 <sup>th</sup> 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 <sup>st</sup> December 2016   | Environmental Health Team Manager                     | Implementation of legislative change Introduction of Immigration Act. See paragraph 3  |
| 13           | 1 March 2017                    | Licensing Committee<br>22 February 2017               | Introduction of safeguarding training<br>Amendments to convictions policy<br>Amendment to code of good conduct<br>Amendment to medical examination policy  |
| 14           | 3 July 2017                     | Environmental Health Team Manager                     | Amendments to paragraphs 7.1, 7.2, 8.1.5, 8.3.2 to reflect legislative change  |
| 15           | 17 January 2018                 | Environmental Health Team Manager                     | Amendment to paragraph 7.9 to reflect change to Disclosure Scotland service - Basic disclosure Scotland  |

|           |               |  |   |
|-----------|---------------|--|---|
|           |               |  | replaced with Basic Disclosure & Barring Service  |
| 16        | 10 April 2019 | Environmental Health Team Manager<br>(Delegated by Licensing Committee 21 November 2018) | Adoption of national register of taxi and private hire licence revocations and refusals (NR3) |
| <u>17</u> |               | <u>Licensing Committee</u>   | <u>Amendment to Fit and Proper assessment of Private Hire Vehicle Operators</u>               |