



Hackney Carriage and Private Hire Licensing Policy 2022

DRAFT

November 2022 – final draft

Contents

Section Number	Title	Page Number
1.0	Introduction	6
1.1	Aims and Objectives of the Policy	7
1.2	Best Practice and Guidance	7
1.3	Implementation	7
1.4	Licensing Profile	7
1.5	Departure from Policy	7
1.6	Consideration of Applications	8
1.7	Enforcement Measures	8
1.8	Delegated Powers	8
1.9	Fees	8
1.10	Equalities	9
1.11	Change in Policy/Conditions	9
2.0	Drivers	
2.1	Licences	11
2.2	Fit and Proper Person	11
2.3	Age and Experience	12
2.4	Dress Code	13
2.5	Code of Good Conduct	13
2.6	Application Procedure	19
2.7	Driver Knowledge Test	20
2.8	Practical Driving Test	22
2.9	Medical Assessment	23
2.10	Assistance Dogs	24
2.11	Disclosure and Barring Service (DBS) Disclosures	25
2.12	Certificate of Good Conduct	27
2.13	Safeguarding & Disability Awareness Training	27
2.14	A 'Right to Licence' in UK	28
2.15	DVLA Licence	29
2.16	Confirmation of Tax Responsibility (Tax Conditionality)	30
2.17	Relevance of Convictions and Cautions	30
2.18	Convictions during period of Licence	30
3.0	Hackney Carriage and Private Hire Vehicles	
3.1	Specifications and Conditions	32

3.2	Vehicle Requirements	32
3.3	Identification of Vehicle as Private Hire Vehicle or Hackney Carriage	34
3.4	Signage and Advertising	34
3.5	Private Hire Vehicles	34
3.6	Hackney Carriage Vehicles	35
3.7	Livery	35
3.8	Commercial Advertising	35
3.9	Accessibility	36
3.9.1	Designated Vehicle List	36
3.10	Age and Condition of Vehicle	37
3.11	Testing & Examination of Vehicles	38
3.12	Vehicle Maintenance	40
3.13	Incidents/Damage to Vehicle	40
3.14	Replacement (Lease) Vehicles	41
3.15	Vehicle Equipment	41
3.16	Vehicle Licence Plates	42
3.16.1	Dual Plating	42
3.16.2	Exemption from Displaying Plates / door signs	42
3.17	Meters	43
3.18	Trailers	45
3.19	Environmental Considerations	45
3.20	Security and CCTV	46
3.21	Insurance	52
3.22	Stretched Limousine	52
3.23	Funeral Cars	55
3.24	Wedding Cars	55
3.25	Wheelchair Accessible Vehicles	55
3.26	Convictions	55
3.27	Change of Address	55
3.28	Transfer of Interest in Vehicle	55
3.29	Fares	56
3.30	Animals	57
3.31	Loss of Licence	57
3.32	Return of Identification Plate	58
3.33	Application Procedures	58
3.34	Grant and Renewal of Vehicle Licences	58

3.35	Enforcement	58
3.36	Refuse to Grant/Renewal	58
3.37	Criminality check for vehicle proprietors	59
4.0	Private Hire Operators	
4.1	Operators - Introduction	61
4.2	Detailed Consideration of 'Fit and Proper'	62
4.3	Previous Convictions	63
4.4	Register of staff / Vetting Procedures	63
4.5	Private Hire Vehicles/Hackney Carriage Offences and non-Compliance	64
4.6	Financial Considerations	65
4.7	Certificate of Good Conduct (residency outside UK)	65
4.8	Subcontracting	66
4.9	The Applicants Premises	66
4.10	Standard of Customer Service	66
4.11	Processing the Application	67
4.12	Renewal of Licence	67
4.13	Conditions of Licence	68
4.14	Duties as an Operator	69
4.14.1	Vehicles	69
4.14.2	Premises	69
4.14.3	Drivers	70
4.14.4	Radio	70
4.14.5	Nuisance	70
4.14.6	Fares for Vehicles with Meters/Taximeters	70
4.14.7	Fares for Vehicles without Meters	71
4.14.8	Advance Bookings	71
4.14.9	Staff Training	71
4.14.10	Personal Data	72
4.15	Company Name and Advertising of Business	72
4.16	Records that you Must Keep	72
4.17	Keeping the Council Informed of Changes	75
4.18	Complaints	76
4.19	Incidents/Damage to Vehicle	77
4.20	Licence	77
4.21	Authorised Officers	77

5.0	Enforcement, Convictions Scheme and Penalty Points Policy	
5.1	Introduction	79
5.2	General Policy	79
5.3	Appeals	80
5.4	Consideration of Disclosed Criminal History	80
5.5	Criminality checks for Vehicle proprietors	82
5.6	Assessment of Previous Convictions	82
5.7	Licences issued by other Licensing Authorities	85
5.8	Summary	85
5.9	Penalty Points Policy (In development)	86
5.9.1	Penalty Points Table	87
6.0	Application Guidance	
6.1	New Drivers	94
6.2	National Register of Taxi Licence Refusals and Revocations (NR3)	94
6.3	Knowledge Test – Guidance and Best Practice	95
6.4	Practical Driving Test	99
6.5	DBS Update service	100
6.6	Certificate of Good Conduct	100
6.7	Safeguarding awareness training	101
6.8	Medical	102
6.9	Renewal Applications for Drivers	103

1.0 Introduction

North West Leicestershire District Council (Council) is responsible for the regulation and administration of the Hackney Carriage and Private Hire trades licensed by the Council.

The Council recognises the important role that Hackney Carriages and Private Hire vehicles play in enabling people to travel safely around the district, whilst playing a visible role in portraying a positive image of North West Leicestershire.

Whilst customers expect safety, when using licensed vehicles, it is also beneficial to ensure that customer experiences are positive as this will help the industry and the local economy thrive.

This Policy is concerned with the application of powers exercised by the Council, in respect of hackney carriages and private hire vehicles, conferred principally by the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, as amended and other relevant legislation.

In developing this policy, we have also taken into consideration;

- The Regulation of taxis and private hire vehicles: understanding the impact on competition April 2017
- Guidance on the Rehabilitation of Offenders Act 1974 – March 2014
- DBS Filtering Guide Nov 2020
- Regulators' Code 2014
- The Department for Transport " Statutory Taxi & Private Hire Vehicle Standards: Best Practice Guidance" -July 2020
- The Department for Transport 2Taxi and Private Hire Vehicles Licensing – Best Practice Guidance for Licensing Authorities in England – 2022 consultation version
- Immigration Act 2016
- The Institute of Licensing's Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades – April 2018
- Working together to Safeguard Children - July 2018
- Policing & Crime Act 2017
- Crime and Disorder act 1998
- Environmental Protection Act 1990
- Equalities Act 2010
- Road Traffic Acts
- Human Rights Act 1998

This Policy sets out the requirements and standards that must be met. In exercising its discretion in carrying out its regulatory functions; the Council will have regard to this Policy document. However, each application or enforcement action will be considered on its own merits.

1.1 Aims and Objectives of the Policy

The principal purpose of hackney carriage and private hire licensing is to protect the public and promote public safety.

In setting out its Policy, the Council seeks to promote the following objectives;

- Protection and safety of the public, safeguarding children and the vulnerable
- The health and safety of the drivers
- Protection of the environment
- Access to an efficient and effective transport service
- Provide and maintain a professional and respected hackney carriage and private hire trade, by continued monitoring and improvement of the required standards of service

When considering each of the requirements detailed in this document, the Council has tried to ensure that each requirement is proportionate to the risk it seeks to address, balancing the cost of the requirement against the benefit to the public. The principle is that the costs of implementation should be commensurate with the benefits of the policy.

1.2 Best Practice Guidance

In formulating this policy, advice contained in the “Statutory Taxi & Private Hire Vehicle Standards: Best Practice Guidance” - July 2020” and Taxi and Private Hire Licensing – Best Practice Guidance for Licensing Authorities in England – 2022 consultation version issued by the Department for Transport have been considered.

1.3 Implementation

This Policy will take effect from **1 January 2023** and will be reviewed every five years. Interim reviews will be considered in the event issues arise need addressing when reviewing performance annually.

1.4 Licensing Profile

At the time of writing there are 143 dual (both hackney carriage and private hire) drivers’ licences, 95 private hire driver licences, 109 hackney carriage vehicle licences, 93 private hire vehicle licences and 28 private hire operators’ licences.

1.5 Departure from the Policy

In exercising its discretion in conducting its regulatory functions the Council will have regard to this policy document and the objectives.

Each application or enforcement measure will be considered on its own merits and where appropriate in accordance with the enforcement policy, convictions scheme and penalty points policy at section 5.

1.6 Consideration of Applications

The Council will consider all applications on their own merits once it is satisfied that the appropriate criteria have been met and the application form and supporting documents

are completed and submitted. For drivers and operators, the enforcement policy, convictions scheme and penalty points policy at section 5 will be applied as part of the application process.

All applicants are expected to act with honesty and integrity throughout the application process and must therefore fully and accurately disclose any information that is requested and or relevant. This includes information regarding previous convictions, warnings and reprimands, current investigations and pending criminal proceedings.

1.7 Enforcement Measures

It is recognised that well-directed enforcement activity by the Council benefits not only the public but also the responsible members of the hackney carriage and private hire vehicle trade.

In pursuing its objective to encourage responsible hackney carriage and private hire businesses, the Council will act in accordance with the Councils enforcement policy, convictions scheme and penalty points policy.

In order to ensure compliance with the Council's Hackney Carriage and Private Hire Licensing Policy and to monitor licence holders ability to fulfil the 'fit and proper' test the enforcement policy, convictions scheme and penalty points policy as described in section 5 will serve both as an early warning system to licence holders who fail to meet the Council's required standards and as a consistent and transparent method of enforcement.

1.8 Delegated Powers

All officers of the Council, duly authorised under the Council's Scheme of Delegation, are responsible for the day-to-day operation of the Council's Hackney Carriage and Private Hire Vehicle Licensing Policy and enforcement of conditions made under the policy.

The Council will authorise officers from other licensing authorities so that compliance and enforcement action can be taken against licence holders from outside their area, where the need arises.

1.9 Fees

The fees are reviewed at the start of each calendar year and approved by the Council as part of the budget setting process, ahead of the start of each financial year i.e., 1st April. The council can review the fees at any time.

The Council would follow the appropriate procedures detailed in the Local Government (Miscellaneous Provisions) Act 1976 in respect of consultation and advertisement of any variation in the fees.

1.10 Equalities

The applicant and licence holders must treat everybody in accordance with Equalities legislation. It is against the law to discriminate against someone because of:

- [age](#)
- [disability](#)
- [gender reassignment](#)
- [marriage and civil partnership](#)
- [pregnancy and maternity](#)
- [race](#)
- [religion or belief](#)
- [sex](#)
- [sexual orientation](#)

These are called protected characteristics.

1.11 Change in Policy/Conditions

The Council may add or amend any license condition.

Any applicant or licence holder must, comply with any new or amended condition within 21 days of being given notice of it by the Council or any longer time stated by the Council.

Drivers

DRAFT

Drivers

2.1 Licences

Drivers of hackney carriages should have a copy of the relevant byelaws and also be aware of the provisions of the Town Police Clauses Act 1847 (as amended) and the Local Government (Miscellaneous Provisions) Act 1976, all of which contain provisions which, if breached, can result in prosecution, suspension, or revocation of the licence.

Drivers of private hire vehicles must be aware of the Local Government (Miscellaneous Provisions) Act 1976 which contains provisions which, if breached, can result in prosecution or the suspension or revocation of the licence.

Information submitted as part of the application process or received during the lifetime of the licence will be shared in accordance with data protection legislation with other council departments and external statutory bodies e.g., Police and HM Customs & Excise,

Section 46 of the Town Police Clauses Act 1847, states that no person shall drive a hackney carriage without a licence.

Private hire vehicles are licensed permanently for the duration of the licence meaning only drivers licensed by North West Leicestershire District Council are allowed to drive vehicles licensed by the Council, even though the vehicle may be insured for social, domestic and pleasure use.

2.2 Fit and Proper Person

The Council shall not grant a licence unless they are satisfied that the applicant is a fit and proper person to drive a hackney carriage or private hire vehicle, and that person must then remain fit and proper for the duration of that licence. The fitness and propriety of a driver will be monitored and assessed throughout the period that the licence is held.

An individual will not be considered fit and proper to hold a licence if there is any evidence of dishonesty, and/or it can be shown that an applicant or existing licence holder has misled, or attempted to mislead, the Council (either Officers or Members of the Licensing Committee) as part of any process associated with the administration or determination of a licence.

Fit & Proper Person Test

Licensed drivers are in a position of trust, and therefore the Council must ensure that drivers are remain fit and proper to hold a licence. This requirement is contained within Sections 51 and 59 of The Local Government (Miscellaneous Provisions) Act 1976 (Part II).

Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a 'fit and proper' person to be a licensee. It may be helpful when considering whether an applicant or licensee is fit and proper to consider the following question:

'Without any prejudice, and based on the information before you, would you allow your son or daughter, spouse or partner, mother of father, grandson or granddaughter or any other person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?'

In order to assess the suitability of an applicant (and to inform decision makers when answering the question above), the Council will undertake whatever checks and apply whatever processes it considers necessary to ensure that licences are not issued to, or used by, unsuitable people. In assessing the suitability of an applicant or licence holder, the Council will take into consideration (but not limited to) the following factors:

- Criminality.
- Period of holding a driver's licence.
- DVLA licence and any endorsements.
- Right to Licence.
- Medical fitness.
- Standard of driving / driving ability.
- General conduct / standards of behaviour (including online behaviour).
- The conduct of the applicant in making the application (e.g., whether they have acted with honesty and integrity during the application process)
- The previous licensing history of existing / former licence holders (including honesty and integrity).
- Theoretical knowledge of issues and matters related to the work of a licensed driver (including safeguarding, disability awareness and communication skills)

In addition, the Council will also consider further information sources such as the Police, Children and Adult Safeguarding Boards, other licensing authorities, the National Register of Taxi Licence Refusals and Revocations (NR3) and statutory agencies.

2.3 Age and Experience

Drivers must;

- Have a minimum of one year of holding either a full driving licence issued in the UK, the European Community (EC) or one of the other countries in the European Economic Area (EEA).
- The drivers DVLA/EEA licence must meet the criteria of the enforcement policy, convictions scheme and penalty points policy at section 5.
- If using an EEA licence, the length of time it has been held will be taken in account, but the driver must change their EEA licence to that of a UK licence within 12 months

of their application, to ensure the necessary licence checks can be carried out. The driver must produce their original DVLA UK licence to the Licensing team for a copy to be taken. Failure to provide may result in suspension of their licence or a renewal application being refused.

- The driver must have a **VALID** DVLA photo card driving licence (if appropriate) at all times.
- Provide proof that they have a statutory right to work in the UK and any applicant that has a limited right to work shall not be issued a driver licence for a period longer than that limited period.

2.4 Dress Code

It is recognised that the taxi trade, both hackney carriage and private hire, play an important role in portraying a positive image of North West Leicestershire and considers that drivers of licensed vehicles should conform to a minimum standard of dress.

These standards are not imposed by way of conditions on any licence, but it will be expected that this standard will be maintained by drivers at all times:

The suitability of a driver's dress will be considered on a case-by-case basis. The following list of clothing is a guide only and should not be considered to be exhaustive. The following items of clothing are not considered to present a professional image and therefore must **never** be worn:

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

Drivers of executive type private hire vehicles that have been exempted from displaying plates must dress appropriately, i.e., wear a suit, shirt and tie or uniform, be well groomed and maintain an extremely clean and tidy appearance.

2.5 Code of Good Driver Conduct

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

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

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

Drivers shall:

- Act in a professional manner at all times;
- Treat passengers and other road users with respect;
- Keep relationships and conversation with passengers on an appropriate, professional basis;
- Respect all individuals – regardless of age, disability, gender, sexual orientation, gender reassignment, religion/belief, language spoken, race or ethnicity;
- Pay attention to personal hygiene and dress so as to present a professional image to the public. This is further defined below;
- Be polite, helpful and fair to passengers, particularly disabled passengers whose mobility may be restricted;
- Drive with care and consideration for other road users and pedestrians;
- Comply with all Traffic Regulation Orders and directions at all times;
- Ensure that there is no smoking in the vehicle at all times;
- Fulfil their responsibility to ensure compliance with common sense and any legislation regarding the length of working hours;
- Undertake a vehicle check, i.e., lights, tyres & pressures, engine fluids, prior to starting shifts to ensure roadworthiness;
- Undertake suitable training.
- Display / their driver licence badge at all times they are working as a licensed driver.

And be aware of:

- Safety and well-being of passengers must be paramount;

- The importance of the use of appropriate language;
- Be aware of the vulnerability of children and adults;
- Be aware of passengers with special needs;
- Any instruction given about the care or first aid requirements of a passenger;
- Personal beliefs and standards, including dress and religion;
- Passengers misreading situations;
- The use of social networking sites such as Facebook, Twitter and Snapchat. These are public websites and therefore passengers conveyed may access a driver's site. Ensure you use the appropriate privacy settings to avoid passengers viewing your social media sites.

Drivers should NEVER:

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

- Act contrary to the advice of a medical practitioner;
- Smoke (including e-cigarettes / vape) in a licensed hackney carriage or private hire vehicle –applicable to drivers and passengers. This is the case even when the driver is off duty as the vehicle always remains a licensed vehicle and not a privately owned vehicle. If drivers are found to be smoking in their vehicles, they will be issued with a fixed penalty notice.
- Leave a hackney carriage unattended on a rank.

Safeguarding

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

If a driver is working under a Leicestershire County Council contract, then their guidance and procedures should be followed alongside any training received. Otherwise, the following procedures should be complied with in reporting any information or suspicions you may have of anyone being subject to abuse, neglect, or exploitation:

Action to be taken if you have concerns:

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

Responsibility to Residents

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

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

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

- a) queue in an orderly manner and proceed along the rank in order and promptly; and

- b) remain in the vehicle or in close proximity of the vehicle.

At private hire offices a licence holder shall:

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

Attention is drawn to the Council Byelaws with respect to hackney carriage plying for hire, which are available on the licensing pages of the Council web site.

Transporting

Drivers must not carry more people in the vehicle than is specified on the Vehicle Licence/plate.

When working, drivers cannot allow any other person or animals, other than those travelling with the hirer, to travel in the vehicle. Where there is more than one hirer (shared taxi/PHV) the hirers must agree to the joint use of the vehicle.

It is the responsibility of the driver of the vehicle to ensure that all passengers are using the seat belts in accordance with the law.

A child is to be counted as a passenger no matter what age.

In relation to the carriage of all passengers, including children, the requirements of all legislation must be complied with.

Exemptions for Licensed Taxis and Private Hire vehicles:

- If a child restraint is not available, children under 3 years must travel in the rear, but may be unrestrained.
- Children 3 years and over, up to 135cm tall must sit in the rear and use an adult seat belt.
- Children aged 12 years or more, or over 135cm tall, may travel the front, but must wear the seat belt.
- The child safety door locks, where fitted, should be used when children are in the vehicle

Passengers must remain seated whilst the vehicle is in motion.

Advance Bookings

Drivers must not arrive at pre-arranged pick-up points more than 10 minutes late unless something unavoidable has happened to delay or prevent them from reaching the pick-up point. Drivers must contact the hirer or operator to inform them of a late arrival i.e., more than 10 minutes.

Destination

Drivers must take the shortest route to the destination or, after discussing the matter with the passenger, the quickest, available route. Except in cases where a fixed fare has been agreed beforehand outside the district only in hackney carriage vehicles or in & outside the district for private hire vehicles.

Lost Property

If any property has been left in the vehicle it must, unless it is claimed by the passenger who lost it, as soon as possible, and in any event within **24 hours**, be reported to the police via the online reporting tool and retained securely for 28 days after which unclaimed items can be disposed of.

Receipts

The driver must provide written receipt to a passenger for the fare paid if requested.

Fares

The driver has to comply with the requirements of this policy in respect of fares for their vehicle, whether it is a hackney carriage or private hire vehicle.

Licence Plates

The driver must ensure that both the internal licence plate and the external plate are clearly displayed, so that they can be easily seen.

Changes of driver details

If you change your name and/or address, you must inform the Council in writing and return your licence to the Council within 10 working days of such a change.

Authorised Officers

A licence must be produced at the request of an Authorised Officer or Police Officer. If the driver does not have their licence available when requested, it must be produced to the Licensing Team of the Council within 10 working days.

Operation of these conditions

Breaches of these conditions will be subject to the enforcement policy, convictions and penalty points policy at section 5; however, the Council reserves the right to take any appropriate regulatory action in addition to or instead of the penalty points system.

Convictions

For applicants and existing drivers, the enforcement policy, convictions scheme and penalty points policy at section 5 will be applied as part of the application process or for incidents occurring within the life of the licence.

An applicant or existing driver must declare any convictions, (including spent convictions, and motoring convictions).

Licence holders are required to notify the licensing team, in writing within 2 working days of an arrest and release, charge, or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence.

Failure to declare any of this information immediately or within 2 working days will be relevant to the drivers conduct and could lead to revocation, suspension, or refusal.

Licence holders should for any other offence, fixed penalty notice, caution or they are subject to an investigation inform the licensing team, in writing within 10 working days of that incident.

Drivers who are disqualified from driving by any court of law must immediately surrender their licence and badges to the Council.

If a driver receives notification through the post of an offence, after being caught on camera, then they must inform the licensing Team within 10 working days of accepting guilt for the offence.

Details can then be recorded on the driver's record that they have informed the Council and they can provide a DVLA check code to the licensing team (please note this code is only valid for 21 days) for the DVLA licence to be checked. This therefore complies with the Council's Conditions for Private Hire/ Hackney Carriage Drivers.

If a driver contests the allegation in court, and is subsequently convicted, and their licence endorsed, the 10-working day period to allow for notification would commence on the date of conviction. If they are acquitted, no criminal offence has been committed.

2.6 Application Procedure

Before completing the application process for a new driver licence, the applicant is required to complete the following;

- Complete and pass the knowledge test
- Submit on-line application form and pay relevant fee
- Group 2 Standard Medical Assessment
- Disclosure and Barring Service (DBS) Disclosure - Enhanced
- Certificate of Good Conduct (where appropriate)
- Safeguarding Awareness Training (contained within the knowledge test)
- Disability Awareness Training (contained within the knowledge test)
- Proof of Right to Work in the UK (in line with Home Office requirements)

- DVLA / DBS Mandate
- Tax Conditionality check

The full application procedure is set out on the licensing pages of the Councils website

https://www.nwleics.gov.uk/pages/taxi_and_private_hire_application_forms

A description of each requirement can be found below;

2.7 Driver Knowledge Test

In order to determine fitness to hold a licence, applicants for a driver's licence are required to pass a knowledge test. The purpose of this test is to make sure that all applicants have a satisfactory knowledge of the district of north west leicestershire and surrounding areas, places of public interest and entertainment, major destinations such as hospitals, supermarkets etc. and the routes to nearby villages. Drivers will also be tested on their knowledge of the law, safeguarding, disability awareness, highway code, Councils licensing policy and conditions, together with customer care, basic numeracy, and the ability to read, understand and write english.

All new applicants for a private hire driver licence or dual driver licence and holders of a private hire driver licence wishing to become a dual licence holder are required to pass the knowledge test prior to submitting an online application form.

Details on how to make a booking for a knowledge test including our payment and refund policy can be found on the licensing web pages

https://www.nwleics.gov.uk/pages/knowledge_test

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

Should an applicant have a disability and require reasonable adjustments, they are asked to make Licensing aware when booking the test. Where an applicant has requested reasonable adjustments, the adjustment made must be relative to the applicant's disability.

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.

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 and changes in law and policy.

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 safeguarding / disability awareness
- (g) 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 25 questions for dual driver applicants and 20 questions for private hire applicants.

Pass Mark

Dual driver licence – A total score of 20 achieving a minimum score of 4 in each of the 5 sections (c,d,e,f,g)

Private hire driver licence – A total score of 16 achieving a minimum score of 4 in each of the 4 sections (c,d,e,f)

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.

Should you not pass after three attempts you will be required to wait at least 6 months (from the date of the most recent failure) before being permitted to re-take the knowledge test.

Once an applicant passes the knowledge test they will receive confirmation of the pass result, valid for 2 years from the date of the test. The driver must be granted within 2 years of the date of the test.

2.8 Practical Driving Test

All new applications must include a practical driving assessment pass certificate.

The Council requires a practical driving assessment to be taken by existing drivers under the following circumstances: -

Any licensed driver whose DVLA driving licence has attracted 6 or more penalty point endorsements over a 3-year period. Licensed drivers will be required to take a further driving assessment each time they attract 6 or more penalty point endorsements.

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.

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 team. 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.

Should any driver undertake 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 referred to a licensing sub-committee where a 'fit and proper' assessment will be carried out.

The current training providers are Blue Lamp Trust and I am Roadsmart.

ADMINISTRATION

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.

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.

Any failure to notify the licensing team of any endorsements is a breach of licence conditions and could lead to proceedings resulting in the revocation of a driver's licence.

A private hire driver is required to inform the licensing team, in writing, of any endorsements received within 2 working 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.

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.

More information is contained within the councils licensing webpages.

2.9 Medical Assessment

The Council recognises that licensed drivers should have more stringent medical standards than those applicable to normal car drivers because they carry members of the public who have expectations of a safe journey; they are on the road for longer hours than most car drivers; and they may have to assist disabled passengers and handle luggage. Therefore, an appropriate standard for licensed Hackney Carriage and Private Hire drivers is a Group 2 Standards of Medical Fitness as applied by the DVLA, to the licensing of lorry and bus drivers.

A medical examination is required on the first licence application and then every 3 years from when first licensed and annually after the age of 65 (with no upper age limit). For drivers with diabetes, or insulin treatment, additional requirements may be needed (see Application Guidance, in section 6 of this policy).

Applicant's and current drivers are to undergo a full group 2 medical with a registered GP. The applicant will be responsible for paying the fee for the examination to the relevant surgery and for ensuring all sections are completed in full by their GP. It is recommended that applicants/drivers are examined by their own GP or 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 applicant's full medical history, this could lead to delays in processing the application.

A blank medical examination report (D4) can be downloaded from the councils licensing webpages or the online application portal. The medical certificate can be uploaded to the Councils application form. Please ensure you keep your original medical report. Should a medical certificate need to be returned to the GP, due to an error on the form, the applicant will be notified of this, and it is their responsibility to ensure a correct medical certificate is resubmitted, within a timely manner to complete the application. Any changes to the medical form made by your GP must be signed and dated by the GP. Such certification must be less than four months old.

Holders of a Public Service Vehicle (PSV) and / or Large Goods Vehicle (LGV) Licence, where the holder is able to produce proof of a current D4 medical examination less than 4 months old, which has been completed with their own doctor, is acceptable (should they wish to use the same medical examination for their hackney carriage/private hire licence).

Licence holders must provide written notice to the Council of any deterioration or other change in their health that may affect their driving capabilities. Such notice **MUST** be given in writing (can be via email), as soon as practicable, from the moment that the person becomes aware of the deterioration.

Where there is any doubt as to the medical fitness of the applicant, the Council may require the applicant to undergo further medical examination, at the drivers own expense.

No licence shall be issued, and a suspension may be required until medical clearance has been established.

2.10 Assistance Dogs

Under the Equality Act 2010, licensed drivers are under a legal duty to carry guide, hearing, and other prescribed assistance dogs in their vehicles, and allow it to remain under the physical control of the owner without additional charge. It is best practice to ask the passenger where they want themselves and their dog to sit in the vehicle.

The Equality Act 2010 defines an assistance dog as:

1. A dog which has been trained to guide a blind person;
2. A dog which has been trained to assist a deaf person;
3. A dog which has been trained by a prescribed charity to assist a disabled person who has a disability that consists of epilepsy or otherwise affects the person's mobility, manual dexterity, physical co-ordination, or ability to lift, carry or otherwise move everyday objects;
4. A dog of a prescribed category which has been trained to assist a disabled person who has a disability (other than one falling within paragraph (3)) of a prescribed kind.

An assistance dog must be a professionally trained dog. Most are instantly recognisable by a harness or jacket. However, be aware that the law does not require the dog to wear

a harness or jacket to identify it as an assistance dog.

Some, but not all assistance dog users, will carry an ID book giving information about the assistance dog and the training organisation together with other useful information. Again, this is not a legal requirement.

Drivers, who have a relevant medical condition, may apply to the Council for an exemption from these duties on medical grounds and must provide written evidence from their GP. If an application is successful, they will be issued with an exemption certificate, and a notice of exemption. The notice of exemption must be exhibited in the vehicle by fixing it, facing outwards, either on the windscreen or in a prominent position on the dashboard.

Under the Equality Act 2010, it is an offence for any operator or driver to refuse to carry assistance dogs or charge more for the fare or booking.

2.11 Disclosure & Barring Service (DBS)

A criminal record check of a driver is an essential safety measure in assessing whether or not an applicant is suitable to hold a licence.

An Enhanced Disclosure provided by the DBS, requesting information on barred lists for both children and vulnerable adults is required by all applicants, whether new or renewal. These disclosures include details of live and spent convictions, Police cautions and other relevant information that indicates whether a person poses a risk to public safety.

The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (the "Exceptions Order") does not apply to applicants for hackney carriage and private hire driver licences. All drivers **MUST** disclose on their application form all convictions, including those that would normally be regarded as spent.

The Council uses an accredited Disclosure Barring Service registered body. All applicants requiring a DBS check shall be responsible for the costs of obtaining the DBS certificate. Any such cost will be non-refundable once the DBS application has been submitted.

Before an application for the grant of a new driver's licence will be considered the applicant must provide a current, original Enhanced DBS Disclosure Certificate, issued specifically for North West Leicestershire District Council.

Subscribers to the DBS update service can use the original certificate along with authority to check via the online service.

North West Leicestershire District Council will accept an original Enhanced DBS Disclosure Certificate obtained through another registered body (for example, another Council) if it is less than 3 months old, has been processed in relation to the child and adult workforce employment position (as specified on the disclosure) and is a subscriber

to the update service.

All new applicants must declare on the application form any convictions, cautions, civil immigration penalties or fixed penalty notices they have received. All licence holders shall notify the Council of any warnings, convictions, cautions, civil immigration penalties and fixed penalty notices received during their licence period. Failure to inform the Council of these matters during the licensing period may result in suspension or revocation of the licence.

A licence will not be granted or renewed in the absence of a current Enhanced Disclosure Barring Service Disclosure Certificate or the ability to check through the DBS update service.

DBS update Service

The Council strongly encourages all drivers to subscribe to the DBS update service.

All new and renewing drivers choosing to subscribe **MUST** enroll on the DBS update service within 30 calendar days of the date of the issue of their disclosure certificate.

A 6 monthly check for criminal activity will be conducted by the licensing team.

Any driver choosing not to subscribe to the DBS update service **MUST** provide a current, original Enhanced DBS Disclosure Certificate, every 6 months to enable the 6 monthly criminality check to be carried out.

The licence may be suspended or not renewed unless the licensing team has the means of checking for criminal activity – convicted or otherwise.

DBS – Data Mandate Form and consent

Applicants are required to confirm they have given consent to the council to conduct a criminal activity check.

2.12 Certificate of Good Character (residency outside the UK)

Because of the potential lifetime relevance for some of the most serious offences mentioned in this policy, the Council will need to ensure that sufficient background checks are conducted for those applicants that have lived overseas. This is in addition to the Enhanced DBS requirement.

Any driver who has lived abroad for a period of 3 months or more will be required to provide a certificate of good character from the embassy of every country where they have lived other than the UK (after the age of 10 years old) which must be no older than 3 months at time of presentation. The certificate of good character must be translated into english at the applicant's own cost.

A licence will not be granted or renewed in the absence of a current certificate of good

character.

Where a person has spent three months or more, on active service, or any similar deployments abroad as a member of the British Armed Forces, then they will be exempt from the requirement to provide a certificate of good character but will require a reference from a commanding officer authorised to provide the same.

If an existing driver has spent three continuous months (or more) living or on holiday overseas, the Council will need to see evidence of a criminal record check from the country / countries visited, covering the period that the applicant was overseas.

Details of how to apply can be found via the Gov.uk website;

<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

2.13 Safeguarding & Disability Awareness Training

Every driver must have a minimum level of knowledge prior to being issued with a driver's licence. This will be assessed through the safeguarding and disability awareness section of the knowledge test.

In addition to sitting the knowledge test every driver **must** undergo safeguarding vulnerable passenger and disability awareness training within 12 months of being issued with a driver's licence. Further information including the link by which to access the course is available on the licensing pages of the Councils website.

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.

The course aims to provide hackney carriage and private hire drivers with a knowledge and understanding of safeguarding, their responsibilities and best practice protocols. The candidate will be able to;

- Understand what is meant by the term 'Safeguarding.'
- Identify adults at risk and other vulnerable people.
- Understand what is meant by child sexual and criminal Exploitation, human trafficking, modern slavery and domestic abuse.
- Recognise types of abuse, associated signs and indicators.
- Identify suspicious activities.
- Know how, and to whom, they can report concerns.
- Understand their safeguarding responsibilities and best practice protocols.

Where an applicant, has undertaken a similar safeguarding awareness training course, written details must be provided of the course, along with written confirmation of

attendance. The licensing team will consider the contents of both courses and whether the completed course is an acceptable alternative.

It is important that drivers retain the knowledge learned from the training attended in the first 12 months of being licensed. Every driver will be provided with a safeguarding essentials briefing card which should be kept within the vehicle. At the time of renewal drivers are required to declare that they have read and understood the information contained on the card.

2.14 A 'Right to a licence' in the UK

Under the Immigration Act 2016, the Council require all applicants to provide documentary evidence to confirm that they have a 'right to a licence' in the UK. This means that someone is not disqualified by their immigration status from holding an operator or private hire/hackney carriage driver licence. The Home Office has compiled a list of acceptable documents which prove someone has the Right to hold a licence in the UK. Documents will fall into either list A or list B. This list can be found on the Councils licensing web pages.

No licence will be granted or accepted, until the applicant is able to prove they have a right to licence in the UK.

An applicant will need to provide either;

- a) Document(s) from list A, these documents show a permanent right to remain in the UK.; Or
- b) Documents from list B, these documents show a temporary right to be in the UK.

These must be **original documents** which will be required to be checked within the applicant's presence. Photocopies; scanned documents and faxes for example are not acceptable.

Proof of a 'right to licence' in the UK must be provided when an application is made in respect of new applicants. In respect of renewal applicants, proof should be provided on every application, if they have previously provided documents from list B only. If proof cannot be provided at the time of renewal the Council will allow the application to be made, but no licence will be granted until proof has been provided.

A copy of the relevant page(s) of the documents provided will be retained in a format which cannot subsequently be altered, for example a photocopy or a scanned document. In the case of a passport or other travel document, the following parts must be photocopied or scanned:-

- the document's front cover and any page containing the holder's personal details.
- any page will be copied that provides details of nationality, his or her photograph, date of birth, signature, date of expiry or biometric details, and any page containing UK Government endorsements indicating that the holder has an entitlement to be in the UK and is entitled to undertake the work in question.

Other documents will be copied in their entirety.

Failure to comply with 'Right to Licence'

An application for the first grant of either a private hire operator or hackney carriage/private hire driver licence will not be accepted if the applicant fails to provide evidence of their Right to Licence in the UK.

Any renewal applicant who fails to comply with the requirement to prove their Right to Licence in the UK will be refused a private hire operator licence or private hire or hackney Carriage driver licence.

If an applicant produces documentation from list B to prove their Right to Licence in the UK, then, upon expiry of this document, if during the term of the private hire or hackney carriage licence, they are required to produce further documentation showing their ability to continue working.

A letter reminding the licence holder that their hackney carriage/private hire drivers' licence is due to expire, due to the expiry date of their Right to Licence documents will be sent 2 months prior to the expiration date. Failure to produce evidence of Right to Licence will lead to the revocation of their licence and/or badge with immediate effect.

Reporting of illegal workers to the relevant authorities

If the Council has any concerns that an applicant has been working in the UK illegally then this information will be reported to the Home Office and relevant border authorities

Where an applicant is subject to immigration controls, a licence will not be issued for longer than the period that the applicant has permission to undertake paid employment in the United Kingdom

2.15 DVLA Licence

To be able to obtain a licence you need to provide a full driving licence (not a provisional licence) which authorises you to drive a motor car when you first apply. This full licence needs to have been held for a minimum of 12 months. A copy of both sides of this licence will be taken at the time you submit your DVLA mandate form, to the Council's licensing team.

In addition to the above, please be aware that if you are using an EEA licence, the length of time it has been held will be taken in account, but you must change the EEA licence to that of a UK licence within 12 months of your application, to ensure the necessary licence checks can be carried out.

The driver must produce their original DVLA UK licence to the Licensing department. Failure to provide this may result in suspension of their licence or a new/renewal application being refused.

DVLA – Driver Mandate / Sharecode

The DVLA Mandate gives consent to the Council to check the applicant's driving licence record with the DVLA. For subsequent renewal applications a sharecode option is available.

2.16 Confirmation of Tax Responsibilities (Tax Conditionality)

You must complete a tax check to renew a hackney carriage or private hire driver licence. A tax check confirms that you are registered for tax, if necessary. It will ask questions about how you pay any tax that may be due on income you earn from your licensed trade. You must conduct the tax check yourself. You cannot ask a tax agent or adviser to do this on your behalf.

After you complete the tax check, you'll be given a 9-character code. This is your tax check code. You must give it to the licensing team with your licence application — we will not be able to process your application without it. Tax check codes expire after 120 days, so if you make a licence application for another licence after that time, you'll need to carry out a new tax check for it.

2.17 Relevance of Convictions and Cautions

In relation to the consideration of convictions and cautions recorded against new applicants, the Council will use the enforcement policy, convictions scheme and penalty points policy set out in section 5 of this policy.

2.18 Convictions during period of Licence

It is important, in the interests of consistency and transparency that a procedure should be in place to consider, where offences resulting in conviction are committed by licensed drivers, what effect this could have on their hackney carriage or private hire driver's licence.

For drivers the enforcement, convictions scheme and penalty points policy at section 5 will be applied as part of the application process or for incidents occurring within the life of the licence.

Hackney Carriage and Private Hire Vehicles

DRAFT

Hackney Carriage and Private Hire Vehicles

3.1 Specifications and Conditions

Councils have a wide range of discretion over the types of vehicles that they can licence as hackney carriages or private hire vehicles.

In accordance with the Best Practice Guidance the council encourages a mixed fleet of vehicles to meet the various needs of the public.

The council is empowered to impose such conditions, as it considers necessary, in relation to the grant of a hackney carriage or private hire vehicle licence. Hackney carriages and private hire vehicles provide a necessary service to the public. Therefore, it is appropriate to set standards for the external and internal condition of the vehicle, provided that the standards are reasonable and proportionate.

It is the vehicle licence holder or operator who is responsible for complying with these conditions unless otherwise stated in a condition.

These conditions will apply to all vehicles licensed as hackney carriages or private hire vehicles and where appropriate subject to extra conditions for exempt (executive) hire and stretch limousines.

3.2 Vehicle Requirements

The vehicle must comply in all respects with Road Vehicles (Construction and Use) Regulations 1986 (as amended) and the Road Vehicles Lighting Regulations 1989 (as amended) and any other legislation relating to the construction or use of passenger vehicles.

All vehicles must comprise of no more than 8 seats in addition to the driver's seat).

The vehicle must have EU type approval, or a certificate of single vehicle approval issued by the Department for Transport must be produced.

All vehicles will be of a maximum net power output not less than 57kW (75bhp) as defined in the vehicle registration document V5C.

All vehicles must be right-hand drive with the exception of stretch limousines where individual conditions will apply and have a minimum of 4 doors.

Vehicles should be capable of carrying a minimum of four average sized adults in comfort and have adequate storage for passenger luggage.

The arrangements for storing luggage must not obstruct the use of any exit from the vehicle or be likely to cause injury to a passenger.

Vehicles can be licensed up to 8 passengers.

The vehicle must have a permanent roof that is watertight (not convertible).

A minimum of four doors, including the driver's door, except for purpose-built vehicles.

All seats within the licensed vehicles must be either forward or rear facing and must be padded/cushioned or covered.

Vehicles must have at least one window on each side, capable of being opened and closed.

The floor of a vehicle must be covered with a suitable carpet, mat, or other cleanable covering.

Seat shall be fitted with a 3-point belt or lap belt for use by each passenger. Stretch limousines may have side facing seats but must meet the seat belt condition.

Vehicles must have four road wheels fitted with tyres of the same size as were originally fitted to the vehicle when new.

Tyres must conform to the current EC or BS standard for tyres. (This includes remolds and re-treads). A spare tyre of the same type as fitted to the road wheels, or a manufacturer's space saver (emergency tyre inflation kits WILL NOT be accepted, unless supplied by the vehicle manufacturer when first registered or supplied as a result of an LPG conversion

Nearside and offside exterior rear-view mirrors must be fitted.

There must be sufficient means for passengers and drivers to communicate.

For most vehicles, the minimum light transmission for windscreen is 75% and 70% for front side windows. Vehicles may be manufactured with glass that is darker than this fitted to windows rearward of the driver, especially in luxury, estate, and people carrier style vehicles. No vehicle shall be fitted with any form of additional film to darken or tint the glass on any part of the vehicle beyond manufacturer specification.

3.3 Identification of vehicles as Private Hire Vehicles or Hackney Carriages

The Council requires hackney carriages and private hire vehicles to clearly indicate to the public that they are licensed vehicles. Therefore, they must be clearly distinguishable from other vehicles and each other. The Council believes that clear signage can achieve this.

The Council has set standards on the acceptable type of signage for private hire vehicles and hackney carriages, which include;

- the permitted position of licence plates
- positioning and wording of door signs for vehicles
- requirements for the display of notices in vehicles
- other notices/markings that the Council will require licensed vehicles to display

3.4 Signage and Advertising

'Signage' is defined as all signage on the vehicle that is not for commercial advertising i.e., commercial advertising is for goods or services of another organisation.'

No signage is permitted in any window(s) except that used to advise that smoking / vaping is not allowed in the vehicle and that food and drink is not to be consumed.

No smoking/vaping signs must be displayed in the vehicle.

No signage or advertising shall interfere in any way with the signs and plates issued by the Council.

3.5 Private Hire Vehicles

To avoid confusion a private hire vehicle cannot have the appearance of a hackney carriage vehicle. Private hire vehicles:

- Must not display the word 'TAXI' (other than as part of a company name and in the plural, i.e., 'TAXIS.')
- Must not carry a roof/top sign/light.
- Must display a door sign on BOTH front doors or rear panels (above the wheel arch) of the vehicle. The sign shall incorporate the company name and contact number and the words 'ADVANCE BOOKINGS ONLY.'
- Must not carry commercial advertising

Signage must be displayed in the car to advise that smoking/vaping is not allowed in the vehicle and may be displayed that food and drink is not to be consumed.

A sign(s)/notice(s) showing the number of the licence and the contact details for the council must be displayed inside the vehicle. The sign(s)/notice(s) must be displayed in a conspicuous position visible to passengers in the front and rear of the vehicle. These details are provided on the reverse of the internal vehicle plate.

3.6 Hackney Carriage Vehicles

Hackney Carriage vehicles MUST be fitted with a roof sign at all times. The sign shall not be illuminated when the taxi meter is brought into operation.

Hackney carriage vehicles that can accommodate between five and eight passengers should have suitable signage displayed in the vehicle directing passengers to and giving instruction in the operation and use of exit points i.e., slide door to open/push door to

open.

Signage may be displayed in the car to advise that smoking/vaping is not allowed in the vehicle and that food and drink is not to be consumed.

A sign(s)/notice(s) showing the number of the licence and the contact details for the council must be displayed inside the vehicle. The sign(s)/notice(s) must be displayed in a conspicuous position visible to passengers in the front and rear of the vehicle. These details are provided on the reverse of the internal vehicle plate. This is a feedback mechanism for passengers.

3.7 Livery

The Council will not approve for licensing as a private hire vehicle, any vehicle whose appearance will lead any person to believe it is a hackney carriage.

3.8 Commercial Advertising

No commercial advertising is permitted on private hire vehicles.

Advertising of a commercial nature is permitted on hackney carriages, subject to the following.

No commercial advertising is permitted on windows.

Advertisements must comply with the guidelines issued by the Advertising Standards Agency.

Advertisements of the following nature will NOT be permitted:

- Alcohol or any associated product
- Tobacco products of any description
- Religion
- Political
- Controversial
- Bad taste

Any commercial advertising must not obscure, obliterate or be confused with the signage required by the Council.

3.9 Accessibility

The Council is committed to social inclusion and ensuring a wide variety of opportunities is available to disabled residents to enjoy a high quality of life. The provisions of the Equality Act 2010 will apply to vehicles, drivers, and Licensing Authority.

In order to help achieve these duties, the Council will require vehicle proprietors and

operators with 5 or more vehicles to provide at least one vehicle which is fully wheelchair accessible, that is, capable of carrying a person who remains in the wheelchair with sufficient provision to secure the wheelchair to the floor of the vehicle.

A reduction on the vehicle licence fee for a fully wheelchair accessible vehicle will be made. This will be 25% off the current fee.

3.9.1 Designated Vehicle List

Section 167 of the Equality Act 2010 as amended by the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 allows licensing authorities to maintain a list of 'designated vehicles' which is a list of wheelchair accessible vehicles (WAV) hackney carriages and private hire vehicles licensed in their area. The minimum requirement for the vehicle to be on this list is that it is able to carry the wheelchair user whilst seated in their wheelchair.

From April 2017, drivers of hackney carriage and private hire vehicles designated by the Council as being wheelchair accessible must comply with the requirements of the Act, unless they have been issued with an exemption certificate. Section 165 places duties on drivers of designated wheelchair accessible hackney carriages and private hires. These duties are:

- To carry the passenger while in the wheelchair.
- Not to make any additional charge for doing so.
- If the passenger chooses to sit in a passenger seat to carry the wheelchair.
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort.
- To give the passenger such mobility assistance as is reasonably required.

Mobility Assistance is defined as assistance;

- To enable the passenger to get into or out of the vehicle.
- If the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair.
- To load the passenger's luggage into or out of the vehicle.
- If the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

A driver of a designated hackney carriage vehicle or designated private hire vehicle commits an offence by failing to comply with a duty imposed on the driver by this section.

Drivers who, for medical reasons are unable to accept wheelchair passengers are able to apply to the Council for an exemption certificate. Such a certificate will only be issued on production of medical evidence as proof that they cannot comply with the Act. Exemption certificates, which show the photograph of the driver, must be displayed in the vehicle at all times the driver is working.

3.10 Age and Condition of Vehicles

A policy relating to vehicle age was introduced with the aim of improving the condition of licensed vehicles. Since introducing the policy, the percentage of vehicles passing an inspection at the first attempt has increased.

The age of the vehicle is to be taken from the vehicle registration document. Where the age of a "Q" registered vehicle is not identifiable, the age will be calculated as 3 years old at the date of "Q" registration in line with the policy of the DVLA and taken from the registration document.

New applications (First time of plating)

All new vehicles must be less than ten years old from the date of first registration identified on the DVLA V5 document.

No vehicle licence will be granted (new application) on any vehicle that is 6 years of age or more. The following exceptions apply:

- Vehicles which are in an exceptionally well-maintained condition, (defined below), or
- Ultra-low emission vehicles (emissions of less than 75 grams of CO₂ per km)

Renewals

No vehicle licence will be renewed on any vehicle that is 6 years of age or more. The following exceptions apply:

- Vehicles which are in an exceptionally well-maintained condition, (defined below), or
- Ultra-low emission vehicles (emissions of less than 75 grams of CO₂ per km)

Definition - Exceptionally Well-Maintained Condition

Visual Inspection

Should a vehicle fail a visual inspection a second inspection will be permitted. Any vehicle failing a second visual inspection will be deemed not to be of exceptionally well-maintained condition.

Vehicle Inspection (mechanical)

Mechanical inspections are defined as annual, six monthly and spot checks.

Where a vehicle fails an inspection a second inspection (retest) will be permitted.

If the vehicle fails its retest on a safety critical ground the vehicle will be deemed to not be exceptionally well maintained. The licence will be refused / revoked.

If a vehicle fails three consecutive mechanical inspections (see definition of mechanical inspection above), the vehicle will be deemed to not be exceptionally well maintained. The licence will be refused / revoked.

3.11 Testing and Examination of Vehicles

Definitions:

Vehicle examination: An inspection of a vehicle carried out by NWLDC appointed mechanics, relating to: (a) 12 monthly check; (b) 6 monthly check; (c) spot check at any point during the term of the licence

Visual inspection: A visual inspection of a vehicle conducted by NWLDC appointed officers, relating to: (a) new applications; (b) renewal applications; (c) spot checks at any point during the term of the licence

Safety critical areas: All areas of a vehicle inspected during a vehicle inspection except the following items: bulbs, windscreen wipers, customer feedback notice, condition of luggage / load space, jack, fire extinguisher, first-aid kit, taximeter, roof sign, CCTV

Mechanical Examination (frequency)

Vehicles less than 6 years of age at the time of a first application or, if currently licensed, at the date of the expiry of their current licence will undergo **one** depot inspection per year. Normally this will be just prior to the renewal of the vehicle licence or if a new application shortly after the submission of the application documentation.

Vehicles 6 years or older will be required to undergo **two** depot inspections per year. Normally this will be just prior to the renewal of the vehicle licence and 6 months after the renewal or if a new application shortly after the submission of the application documentation and if the licence is granted 6 months thereafter. Vehicles within this age group will have to be of exceptionally well-maintained condition.

Visual Inspection

New vehicles (less than 500 miles) do not require a visual inspection.

All vehicles will receive a visual inspection by a mechanic at the time of conducting the mechanical examination (New and renewal).

The visual inspection will have one of two outcomes: -

Pass - the vehicle will be given an appointment for the Council's depot inspection. A successful visual examination is no guarantee that the vehicle will be licensed.

Fail - there will be a requirement to have repairs completed to the bodywork or interior.

Any work conducted will have to be completed to the satisfaction of the licensing authority otherwise, the application may be refused.

Inspectors do look for evidence that the vehicle is well maintained and in good condition. The inspection will include the following:

- Bodywork - damage, dents, scratches, fading, chipped or poor-quality paintwork.
- Exterior trim, hub caps, alloy wheels
- Interior trim, panels, seating, carpets, cleanliness, damp, odour
- Boot or luggage compartment
- Passenger notices – customer feedback and no smoking signage

The councils' garage is approved by the council; no other station may be used. This requirement is in addition to the M.O.T. test.

An MOT test is required for hackney carriages one year from the date of first registration.

The MOT requirement for private hire vehicles is from 3 years after the date of first registration.

Any Authorised Officer or Police Officer can, at any reasonable time, inspect the vehicle and test a vehicle for its fitness or test a taximeter (hackney carriages) or meter (private hire vehicles).

An Authorised Officer has the power to suspend the vehicle licence until this has been done and they are satisfied that the vehicle or the taximeter or meter meet these conditions.

The costs of compliance tests will be borne by the proprietor of the vehicle.

Any retest fee that applies will be payable by the driver or vehicle owner. The full fee must be received before a retest is conducted.

A vehicle inspection retest fee will apply when:

A vehicle (of any age) fails a vehicle inspection with more than one defect relating to a safety critical area.

Any vehicle failing a vehicle inspection with either one critical safety defect or minor defects (not requiring a further full inspection) will not attract a retest fee.

The proprietor, on reasonable notice, must present the vehicle for inspection at any time and at any place required by the Council, provided that such requirements for inspection

shall not exceed more than three occasions per year. Failure to present a vehicle for inspection is an offence under the 1976 Act and will normally lead to the immediate suspension/revocation of a vehicle licence.

3.12 Vehicle Maintenance

The vehicle shall be maintained in a safe mechanical and structural condition at the manufacturer's service intervals such that it is capable of satisfying these conditions at any time during the continuance of the vehicle's licence.

The interior and exterior of the vehicle must be kept clean, in good order and repair, and in every way fit and safe for public use.

The exterior of the vehicle shall be free of noticeable dents, rust or unrepaired damage and shall at all times have uniform paintwork equivalent to that applied by the manufacturer. The seats shall be required to function in accordance with the original manufacturer's specification.

3.13 Incidents / Reporting Damage to Vehicle / Replacement Vehicles

If at any time the vehicle is involved in an accident/incident, however minor, the proprietor/driver must inform the Council as soon as possible and in any event within 72 hours in writing or by email to licensing@nwleicestershire.gov.uk

Minor visual damage may not preclude the vehicle from remaining in service, however this will be at the discretion of the Licensing Officer. Vehicle proprietors are advised to contact the Council to arrange a visual inspection of any damage before continuing to use the vehicle to carry fare-paying passengers.

The vehicle must be presented for mechanical inspection at the council depot as soon as possible after the accident, and in any event within 5 days. The vehicle should not be used for hire or reward until the garage has confirmed that the vehicle is safe. The licence may be suspended in the interim. If, following an inspection, it is deemed that the vehicle is not fit/roadworthy then the vehicle licence may be suspended.

If the vehicle is significantly damaged/not roadworthy or is being assessed by an insurance company/third party, then the vehicle proprietor must provide photographic or other evidence to justify why the vehicle is unable to be presented for examination. Failure to do so may result in the licence being suspended and/or revoked.

3.14 Replacement (Lease) Vehicles

Replacement vehicles must comply with the vehicle age restrictions and should have the same capabilities regarding wheelchair accessibility as the vehicle it replaces, i.e., a wheelchair accessible vehicle can only be replaced by another wheelchair accessible

vehicle.

Magnetic signs may be allowed on a temporary lease car provided that the Council has given prior written approval.

The original plates must be returned to the Council.

Only drivers licensed by North West Leicestershire District Council are permitted to drive vehicles licensed by this council.

Applications from hire companies

A hire management company can only licence a vehicle if the accident vehicle is not roadworthy and has been suspended by the licensing team or the vehicle is off the road due to accident repair work being conducted (proof from the garage will be required).

The application and all necessary documents must be in the name of the vehicle proprietor (hire management company). The licence and plate will only be issued for a maximum period of 8 weeks. The vehicle licence will lapse once the vehicle is handed back to the hire management company.

A replacement vehicle will only be issued on a like to like basis i.e., the number of seats.

Insurance 'Write-Off' Vehicles and Damaged Vehicles

Vehicles that have been declared to be an insurance 'write-off' will not normally be licensed. Vehicles that have been written off under category A and B for insurance purposes will not be considered for licensing.

Vehicles that have been written off under category S (structural) and category N (non-structural) would not be considered for hackney carriage or private hire work unless they have been inspected by a member of the Institute of Automotive Engineer Assessors (IAEA) and that their report which must accompany the application indicates that the repairs to the vehicle have been undertaken satisfactorily and that the vehicle is safe. Any inspection and report conducted will be at the proprietor's expense.

3.15 Vehicle Equipment

The vehicle shall carry the following equipment:

The manufactures original design of equipment for dealing with punctured tyres must be kept on the vehicle and maintained in a usable condition.

First Aid kits must be carried in all vehicles and must be suitable for treating minor injuries and should comply with advice of the Health and Safety Executive as a minimum. This must be readily available to the driver at all times. The first aid kit should be readily visible and available for immediate use in an emergency. If the design of the vehicle is such that a first aid kit cannot be carried in a position where it is easily visible,

a sign shall be displayed on the vehicle dashboard indicating the position of the kit. The first aid kit shall be indelibly marked with the vehicle's hackney carriage plate number. The contents of the first aid kit shall be replenished as required.

A warning triangle must be carried within the vehicle in case of emergencies.

3.16 Vehicle Licence Plates

A vehicle is issued with two identification plates, one external and one internal. Both identification plates showing the number of the licence and the number of passengers for which the vehicle is licensed are required to be exhibited.

All licence plates shall be fitted so that they are clearly visible to public view at all times even when not being used for hackney carriage or private hire purposes.

The external identification plate shall be securely fixed to the rear of the vehicle in a conspicuous position and in such a manner as to be easily removable by an authorised officer of the Council or a police officer.

The internal licence plate supplied by the Council shall be displayed in the top near side corner of the front windscreen, visible and legible to all passengers with the vehicle identification (plate) information facing outwards.

The proprietor/operator or driver of the vehicle shall not negligently or willfully cause or suffer any licence plate to be concealed from public view or allow the licence plate to be defaced, whilst the vehicle licence is in force.

All plates, signs, etc. remain the property of the Council and must be surrendered to an Authorised Officer upon request following suspension of a vehicle, when the licence is surrendered, or the licence has expired.

The proprietor or driver of the hackney carriage vehicle shall report the loss of the identification plates to the Council as soon as the loss becomes known. A replacement plate shall be issued upon payment of the appropriate fee. On no account must a vehicle be used for hackney carriage or private hire purposes without displaying an identification plate.

3.16.1 Dual Plating

The Council will not grant a hackney carriage or private hire vehicle licence for any vehicle already licensed by another Licensing Authority.

3.16.2 Exemption for Displaying Licence Plates and Door Panels (Executive Hire Vehicles)

The Council has the discretion to grant a proprietor an exemption from displaying the licence plate on their private hire vehicle. Each application for an executive hire vehicle (exemption) will be considered on its own merits. The overriding consideration will be

public safety. The clear identification of a licensed vehicle is considered such a safety aspect, particularly when visiting such places as airports, seaports, and the centre of large towns.

Exemptions will not be granted as a matter of course. A clear case for the exemption will have to be made by the proprietor to the authority. In determining an application, it will normally be the executive nature of the work that will indicate whether the exemption should be granted, as well as the specification and high quality of the vehicle being used.

If the applicant for an executive hire exemption has ever been cautioned or convicted by any authority of unlawfully plying for hire, the council may refuse the application for an exemption.

Executive hire vehicles are of high value, prestige vehicles that are used by companies for transporting special guests or senior members of staff in luxury. Executive hire vehicles are styled more as chauffeur driven vehicles than standard private hire vehicles.

On the grant of an executive hire exemption, the vehicles are exempt from the requirement to display the plates. However, the council will still issue the vehicle external and internal plate, which should be available for inspection by an authorised officer of the council or a police officer.

The drivers of executive hire vehicles are exempt from the requirement to wear a driver's badge. However, the Council would expect the badge to be carried in the vehicle and to be available for inspection by an authorised officer of the council or a police officer.

3.17 Meters

The council requires it to be clear to the public that a hackney carriage vehicle is licensed. Consequently, a hackney carriage vehicle cannot have the appearance of a private hire vehicle. The vehicle must have an illuminated taximeter of an approved type.

All hackney carriages must be fitted with a working meter, which is programmed with the current North West Leicestershire District Council Hackney Carriage tariff.

The proprietor must ensure that the meter displays the journey details to a high level of accuracy. The meter shall be fitted in such a position that the display is visible and will be illuminated at all times.

Once programmed the proprietor shall ensure that the meter is sealed with a tamper-evident seal in a way that prevents the tariff being altered without the seal being destroyed (the Council does not have its own sealing equipment).

If the company sealing the meter can provide an authentication certificate, it should be forwarded to the licensing team as soon as possible. If this is not possible, the proprietor

will contact the Council's licensing team and arrange for a licensing officer to test the machine. This will involve taking the officer on a short test drive that should take no longer than 30 minutes. A fee will apply.

If the officer is of the opinion that the meter is inaccurate, defective, or programmed with wrong tariff prices they will remove the lead seal. The proprietor will then be responsible for correcting any defects

A fee will be charged for the time spent by the officer checking the meter.

A copy of the Council's fare chart must be clearly displayed in the vehicle so as to be plainly visible to passengers.

If a meter is installed it will be used to determine the cost of the journey unless the cost has been agreed at the time of booking.

All hackney carriage vehicle taximeters shall be operated in accordance with the Council's hackney carriage byelaws.

The operation of the fare meter must be electronically connected to an illuminated roof sign, so that when the meter is not in use the sign is illuminated and when the meter is in use, the sign is not illuminated.

An illuminated sign of a type already approved must be fitted to or above the hackney carriage with the words "TAXI" or "FOR HIRE" in block letters showing to the front and the words "CAB NO..." showing to the rear.

A private hire vehicle, if fitted with a meter, must have a meter that meets the requirements of the Hackney Carriage and Private Hire Licensing Policy.

For private hire vehicles without meters, the passenger cannot be charged more than the charge agreed between the passenger and operator before the vehicle was hired. If the charge is calculated from a fare/tariff, a current fare table must be displayed where it can easily be seen by passengers.

3.18 Trailers

The following requirements must be met in order for a licensed vehicle to tow a trailer for the carriage of passengers' luggage.

- The luggage trailer must be inspected and approved by the Council's authorised examiners every 12 months.
- The luggage trailer must meet the Construction and Use Regulations
- Where required the driver must hold the appropriate towing licence as issued by the DVLA.

- Valid insurance to cover such use must be in place.
- The identification plate, giving the vehicle licence number, must be clearly displayed on the rear of the trailer used in addition to the plate on the rear of the hackney carriage vehicle. An additional fee is required for the additional plate.
- A spare wheel and tyre of the correct size shall be carried at all times when the trailer is in use.
- The contents of such trailer must be secured and covered in a proper manner.
- Trailers will be subject to an inspection by an authorised officer and must be free from rust and corrosion and in general good condition

3.19 Environmental Considerations

3.19.1 LPG

LPG conversions to vehicles are acceptable but must meet all other vehicle licence conditions.

Evidence must be produced at the time of licensing to show that an LPG conversion has been conducted by an agent approved by the manufacturer or in the case of LPG conversions, the fitting agent is approved by the LPG association.

3.19.2 Emissions

It is important that emissions from taxis are reduced as far as possible and a reduction will be made to the licensing fee for licensed vehicles that are fueled by Electricity (Ultra low emission vehicle).

The reduction will be 15% off the current fee to actively encourage the use of these vehicles for hackney carriage or private hire.

All hackney carriage and private hire vehicles must be fitted with at least a Euro 5 compliant engine or equivalent using retrofit technology (registered since September 2009). Euro 4 compliant engines or older without retrofit technology will not be permitted.

From 1 January 2025, all hackney carriage and private hire vehicles must be fitted with at least a Euro 6 compliant engine or equivalent using retrofit technology (registered since September 2014). Euro 5 compliant engines or older will not be permitted. Any vehicle with a Euro 5 compliant engine or older will not be licensed at the time of renewal.

Applicants will be required to prove that the engine is suitable. Any vehicle with an engine older than the required euro emissions standard will not be licensed at the time

of renewal unless it can be verified that the emissions have been suitably lowered using approved retrofit technology.

3.19.3 Clean Air Zones (CAZ's)

A Clean Air Zone (CAZ) is an area in which a local authority has brought measures into place to improve the air quality.

To implement these schemes, local authorities may need to differentiate between taxis/PHVs and private vehicles. This is because in some cases local authorities will implement CAZs that apply charges to taxis and PHVs and not to private vehicles, or they may wish to set a different level of charge for these vehicles.

Licensing authorities only hold information on taxis and PHVs licensed within their own area so are not able to clearly identify and charge a taxi/PHV entering or moving around their charging CAZ which has been licensed by another authority (also known as 'out of area vehicles'). If local authorities cannot identify all out of area vehicles, then this would undermine their ability to effectively operate CAZs where charging of these vehicles has been determined to be necessary.

The Air Quality (Taxi and Private Hire Vehicles Database) Regulation 2019 requires all licensing authorities in England and Wales to submit certain information about their licensed taxis/PHVs to the database.

Since the introduction of The Air Quality (Taxis and Private Hire Vehicles Database) (England and Wales) Regulations 2019, the Council is required to provide vehicle data to DEFRA following all issues, renewals, suspensions, or refusals of licences. The data shared will include vehicle registration mark, start, and end date of licence, whether Taxi or PHV, licence plate number, and whether the vehicle is wheelchair accessible.

3.20 Security/CCTV

It is not proposed that measures such as CCTV cameras should be required as part of the licensing regime, as it is considered that they are best left to the judgement of the owners and drivers themselves.

Where CCTV is installed in private hire or hackney carriage vehicles, the following shall be followed.

This policy sets out to ensure that in-car camera systems in hackney carriages and private hire vehicles licensed by North West Leicestershire District Council are effectively managed whilst being used to prevent crime, identify the perpetrators of crime enhance the health and safety of drivers and passengers, and reduce the fear of crime.

Any CCTV system to be fitted must, as a minimum, meet the requirements set out in this policy.

Vehicle owners, who may also be the driver and/or operator, installing CCTV systems must fully comply with the requirements set out in this policy.

Installation and maintenance of in-car camera systems

The installation and operation of CCTV must comply with the requirements of the <https://ico.org.uk/media/for-organisations/documents/1542/cctv-code-of-practice.pdf>

All equipment must comply with any legislative requirements in respect of Motor Vehicle Construction and Use Regulations.

All equipment must meet all requirements as regards safety, technical acceptability, and operational/data integrity.

All equipment must be designed, constructed, and installed in such a way and in such materials as to present no danger to passengers or driver, including impact with the equipment in the event of a collision or danger from the electrical integrity being breached through vandalism, misuse, or wear and tear.

An approved installer shall conduct the installation in accordance with the manufacturer's instructions. A certificate of installation shall be provided to the council within 7 days of installation.

All cameras shall be installed above the level of the dashboard within the vehicle. It is contrary to the Motor Vehicle (Construction and Use) Regulations, 1986, for equipment to obscure the view of the road through the windscreen.

Equipment must not obscure or interfere with the operation of any of the vehicle's standard and/or mandatory equipment, i.e., not mounted on or adjacent to air bags/air curtains or within proximity of other supplementary safety systems, such as autonomous braking systems, which may cause degradation in performance or functionality of such safety systems. Viewing screens within the vehicle for the purposes of viewing captured images are not permitted. Live feed may only be displayed in accordance with ICO regulations.

Any proprietor-owner wishing to install additional cameras or make changes to the installation shall obtain consent from the council prior to doing so. The location of a camera must be specific for purpose i.e., to provide a safer environment for the benefit of the driver and passengers.

Maintenance shall be carried out on the CCTV system and a certificate of maintenance shall be provided to the council at the time of the renewal of a vehicle licence.

Activation of in-car camera systems

Continuous operation of CCTV is NOT permitted.

Activation of the equipment (camera) may be via a number and combination of options,

including:

- door switches;
- time delay;
- drivers' panic button;
- or, in the case of an incident/event recorder, predetermined G-Force parameters set on one or more axis (i.e., braking, acceleration, lateral forces)
- ignition supply

The CCTV system may be configured to record images for a short period of time before the trigger event, during the related incident and a short period following the related incident.

A direct wired link to the vehicle's taximeter, in the case of a Taxi, will NOT be acceptable.

Internally facing dashcams are NOT permitted.

Audio Recording

CCTV systems must NOT be used to record conversations between members of the public, as this is highly intrusive and unlikely to be justified except in very exceptional circumstances. You must choose a system without this facility wherever possible; however, if the system comes equipped with sound recording facility, then this functionality should be permanently disabled.

There are limited circumstances in which audio recording may be justified due to a specific threat to an individual's personal safety, e.g., when a 'panic button' is utilised in response to a threat of physical violence. Where this audio recording facility is utilised it must only be used where there is a specific threat and deactivated once that threat is no longer present.

In the limited circumstance where audio recording is justified, signs must make it very clear that audio recording is being or may be carried out.

Image Security and Storage

The owner/proprietor shall ensure that the storage and use of images complies with the requirements of the data protection legislation and the information commissioners codes of practice at all times.

Images captured must remain secure at all times.

The system must be capable of storing images in a manner, which prevents them being removed, downloaded or viewed by the driver or any other person travelling in the vehicle.

The system must provide that images are only capable of being downloaded by the

registered data controller.

The captured images must be protected using approved encryption software that is designed to guard against the compromise of the stored data, for example, in the event of the vehicle or equipment being stolen. All storage devices must be encrypted to the camera device. All images may only be reviewed via a secure network or decryption software i.e., images should not be available to view via an MP3/MP4 player or equivalent.

The Information Commissioner's Office has published guidance on how to keep personal data secure (including personal data contained in CCTV images), on their website.

Retention of CCTV images

The CCTV equipment selected for installation must have the capability of retaining images either:

- within its own secure, encrypted hard drive;
- using a fully secured and appropriately encrypted detachable mass storage device, for example, a compact flash solid state card;
- or, where a service provider is providing additional storage facilities, transferred in real time using fully secured and appropriately encrypted GPRS (GSM telephone) signaling to a secure server within the service provider's monitoring centre.

Images must not be downloaded onto any portable media device (e.g., CDs or memory sticks) for the purpose of general storage outside the vehicle.

CCTV equipment selected for installation must include an automatic overwriting function, so that images are only retained within the installed system storage device for an average period of 28 days from the date of capture. Where a service provider is used to store images on a secure server, the specified retention period must also only be for a maximum period of 28 days from the date of capture. Data may be retained for longer periods in exceptional circumstances, i.e., insurance claims, criminal investigations etc. However, once a relevant case is concluded all data must be deleted.

Where applicable, these provisions shall also apply to audio recordings.

Payment of the data protection fee to the Information Commissioner's Office. The Information Commissioner's Office (ICO) is the official regulatory body responsible for enforcing compliance with privacy and data protection legislation.

The law defines a "data controller" as the individual or organisation that has ultimate responsibility for how personal data is collected and processed. For the purpose of the installation and operation of in-vehicle CCTV, the "data controller" is the company, organisation or individual that has decided to have a CCTV system installed and operating within the vehicle. The data controller is responsible for how the images are stored and used and determines in what circumstances the images should be disclosed.

If a third party is nominated for this role as opposed to the vehicle owner, then the data must not be accessible by anyone other than the registered data controller.

It is a legal requirement for organisations and businesses that process personal information to pay a data protection fee to the ICO every year whilst data is being stored, failure to maintain this registration is a criminal offence. The ICO publishes an online register of the organisations and businesses that have paid the fee.

You can find out more about the process by reading the ICO guide to the data protection fee here <https://ico.org.uk/registration/new> The level of fee you have to pay varies according to the turnover of your business and the number of employees you have.

Documentary evidence such as a certificate of registration with the ICO that the data protection fee has been paid must be presented to the licensing team.

Using a third-party service provider to store data

Where a service provider is used for the remote storage and/or management of CCTV data they will act as a 'data processor.' A data processor, in relation to personal data, means any person (other than an employee of the data controller) who processes data on behalf of the data controller, in response to specific instructions. The data controller retains full responsibility for the actions of the data processor.

There must be a formal written contract between the data controller and data processor (service provider). The contract must contain provisions covering security arrangements, retention/deletion instructions, access requests and termination arrangements.

Documentary evidence of the contractual arrangements may be required to be presented to the council at any time during the term of the vehicle licence.

Using recorded CCTV images

The data controller is responsible for complying with all relevant data protection legislation, as well as being legally responsible for the use of all images including any breaches of privacy and data protection legislation.

Any images and/or audio recordings should only be used for the purposes described earlier in these guidelines

Requests to view captured images may be submitted to the data controller by the Police or other statutory law enforcement agencies; North West Leicestershire District Council; insurance companies/brokers/loss adjusters; or exceptionally other appropriate bodies. The data controller is responsible for responding to these requests in accordance with the law. Police or other law enforcement agencies should produce a standard template request form, setting out the reasons why the disclosure is required. Alternatively, a signed statement may be accepted.

All requests should only be accepted where they are in writing, and specify the reasons why disclosure is required.

Under the data protection legislation, members of the public may also make a request for the disclosure of images, but only where they have been the subject of a recording. This is known as a 'Subject Access request.' Such requests must only be accepted where they are in writing and include sufficient proof of identity (which may include a photograph to confirm they are in fact the person in the recording). Data Controllers are no longer entitled to charge a fee for a subject access request and must process the request for free.

More guidance on handling Subject Access requests can be found in the ICO's code of practice <https://ico.org.uk/media/2259722/subject-access-code-of-practice.pdf> , which is available on their website.

Signage

All Taxis and PHVs fitted with a CCTV system must display signage in prominent positions. The driver may also verbally bring to the attention of the passengers that CCTV equipment is in operation within the vehicle if it is felt necessary or appropriate.

The signage must be displayed in such positions to minimise obstruction of vision and to make it as visible as possible to passengers, before and after entering the vehicle.

The name and contact details of the data controller where it is not obvious must be provided within the design of the sign, where it is not obvious. The contact details can be in the form of either telephone number, email address or website URL.

Signage for external facing dashcams

Where a dashcam is installed in order to record incidents outside the vehicle it must NOT record audio, you should also display a warning sign wherever practical. In addition, when the device is activated in response to an incident, the driver of the vehicle must inform the person(s) recorded that their personal data was captured - as soon as practicable after the incident. They should also be informed the purpose for which the device has been installed, for example to facilitate their insurance company's investigation of insurance claims.

3.21 Insurance

It is required that an original insurance document(s) must be shown each time a vehicle licence is issued (grant and renewal). Certificates of insurance (and listing of vehicles) will be accepted by email, sent directly from the insurance company.

In the event that a short-term cover note is in place at the time of grant, the licence holder must present a further insurance certificate to the licensing team before the expiry of the cover note. Weekly cover notes will only be accepted for a maximum of eight concurrent weeks, after which a cover note only for a longer period will be

accepted in the event that a full motor insurance certificate cannot be provided. Failure to present an insurance certificate before the expiry of the cover note will result in the licence being suspended until evidence of insurance is produced.

This requires:

- A valid certificate of insurance or cover note confirming that insurance is in place for each driver of the vehicle and specifying use as either a hackney carriage or private hire vehicle.
- A hackney carriage vehicle requires insurance to cover public hire and hire and reward.
- A private hire vehicle requires insurance to cover hire and reward.
- The Council will not accept an insurance policy for a private hire vehicle that states or implies the vehicle is insured for public hire.
- If a larger company with 'an all-vehicle certificate of insurance,' the Council will require an up to date accompanying schedule directly from the insurance company, listing all vehicles by vehicle registration, make and model and the type of licensed vehicle, i.e., hackney, or private hire.
- A copy of the insurance certificate must be available for inspection inside the vehicle whilst it is licensed.

3.22 Stretched Limousines

Stretched limousines are elongated saloon cars that have been increasingly used for mainstream private hire work. The number of stretched limousines being imported, particularly from the United States, has been increasing. Their use includes all private hire work plus special occasions. Stretched limousines can be licensed for private hire work providing they carry no more than eight passengers and meet the requirements of the Local Government (Miscellaneous Provisions) Act 1976.

Stretch Limousines will only be licensed as private hire vehicles. They will not be of a design or appearance as to lead any person to believe that it is a hackney carriage. No roof signs will be fitted to the vehicle.

These requirements only apply to 'stretch limousines' i.e., a saloon type vehicle that has undergone an increase in length by extending its wheelbase after manufacture and can seat at least 6 but not more than 8 passengers

In accordance with the Statutory Taxi & Private Hire Vehicle Standards: Best Practice Guidance - July 2020, all applications to licence stretched limousines as private hire vehicles will be treated on their own merits and be approved for licensing as private hire vehicles subject to meeting all private hire licence requirements.

Initial Visual Inspection – On receipt of an application to license a ‘stretch limousine’ a mechanic will inspect the proposed vehicle and agree that the vehicle meets the definition of such a limousine. The inspection will take place at the Council depot where it will be confirmed that the vehicle is of such a design that it can be inspected at the depot. If the vehicle cannot be mechanically examined at the council garage the vehicle will be precluded from being licensed.

Vehicles with this licence are exempt from some of the licence and signage requirements. They may carry the front door private hire signage, signage, or advertising for the rear window and/or additional signage on the front and/or rear doors of the “name” of the vehicle. They may choose to carry no signage, which would require an application for ‘exempt’ vehicle status.

Mechanical Examination - All stretch limousines will undergo a mechanical examination at the NWLDC garage depot every 6 months.

Insurance – At the time of an initial application and renewal the applicant will produce a 12-month insurance certificate. No temporary cover notes will be accepted as proof that the vehicle is insured. Certificates of a shorter period will not be accepted as proof that the vehicle is insured.

Drivers – All drivers of stretch limousines will have passed the Driver Standards Agency hackney carriage/private hire driver assessment test.

Identification Plate - Two identification plates identifying the vehicle as a private hire vehicle and required to be exhibited on the vehicle pursuant to Section 48(6) of the Local Government (Miscellaneous Provisions) act 1976 shall be securely fixed to the front and rear of the vehicle in a conspicuous position and in such a manner as to be easily removable by an authorised officer of the Council or a constable. The proprietor or driver of the private hire vehicle shall report the loss of the identification plate to the council offices as soon as the loss becomes known. A replacement plate shall be issued upon payment of the appropriate fee. The plates remain the property of the council.

Only stretched limousines complying with the requirements below will be considered for licensing as a private hire vehicle.

The vehicle must not be over 10 years old on first application for licensing. VLA V5 or equivalent shall be produced to authenticate registration. Vehicles may be either left- or right-hand drive providing that they have proof of full Vehicle Type Approval.

The VIN plate shall display ‘1L1’ to confirm conversion completed by an authorised dealer.

The vehicle must have a minimum of 4 doors. They must be of sufficient size to allow easy access and egress to seats for passengers. This should not require the passenger to use a static tip up seat mechanism. Where the vehicle is fitted with

continuous seats, one person shall be counted for each complete length of 41 centimetres (16 inches).

A plate on the door pillar shall confirm the total weight of the vehicle.

Tyres fitted to the vehicle must be either 235/75R-15 108S (BF Load) OR 225/70R-16107T Town Car Limo Tyre (reinforced) or other such tyres as deemed suitable by an independent engineer for this application. Will be kept in good order, securely stowed, in the boot of the vehicle. The wheel and tyre will be an exact match of the other wheels and tyres. Space saving wheels and tyres will not be used.

Fire Extinguishers - The proprietor of the vehicle shall provide a suitable and efficient fire extinguisher in the vehicle at all times when it is in use or available for hire. Fire extinguishers should be readily visible and available for immediate use in an emergency. If it is not possible to locate the extinguisher in a conspicuous position within the vehicle, it may be stored in the boot provided that a notice stating the location of the extinguisher is clearly displayed. The extinguisher must be maintained in good working order, the operating instructions must be legible, and the driver of the vehicle must be familiar with its use.

First Aid – The proprietor of the vehicle shall provide a suitable first aid kit in the vehicle at all times when it is in use or available for hire. It will be kept in the driving compartment of the vehicle and should be readily visible and available for immediate use in an emergency.

Tinted glass – The vehicle windows shall comply with type approval and the Construction and Use regulations 1986 (as amended) with respect to the fitting of the tinted, opaque, darkened or privacy glass windows.

Seats and Seatbelts – SLs must provide seat belts for all passengers (up to 8). Passengers must use the seat belts in accordance with the law. The vehicle will only have enough seats for 8 passengers. Extra seats will have to be permanently removed.

Trailers – SLs will not under any circumstances tow any form of trailer or other vehicle.

No intoxicating liquor shall be provided in the vehicle unless there is in force an appropriate licence permitting the sale or supply of the same.

3.23 Funeral Vehicles

There is no requirement for a vehicle to be licensed where it is being used in connection with a funeral or is being wholly or used by a person carrying on the business of a Funeral Director for the purpose of funerals.

3.24 Wedding Vehicles

A vehicle does not need to be licensed while it is being used solely in connection with a wedding.

3.25 Wheelchair Accessible Vehicles

Any vehicle that is capable of conveying a wheelchair user seated shall be: -

- Equipped with ramps or other equipment to permit wheelchair users safe access and egress from the vehicle.
- Equipment not permanently fixed to the vehicle shall be legibly and indelibly marked with their safe working load.
- Adequate means shall be provided to secure the equipment in position when loading/unloading a wheelchair or wheelchair user. Suitable provision must be made to securely stow ramps once the vehicle is in motion.
- Provided with suitable restraining devices to enable a wheelchair user to be safely and securely transported and to comply with legal standards.
- Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle shall be thoroughly examined and tested at least once in every period of 12 months and a copy of the current test certificate kept on the vehicle.

3.26 Convictions

Drivers holding a licence who commits an offence or breach these licence conditions or certain of the vehicle licence conditions will be subject to the Councils enforcement policy / penalty points scheme. New applicants for a licence will also be considered against the enforcement policy, convictions scheme and penalty points policy.

3.27 Change of Address

Any proprietor/operator must notify the Council in writing, of any change in their name or address within 5 working days of any such change taking place.

3.28 Transfer of Interest in Vehicle

If the proprietor/operator (seller) of a licensed vehicle transfers his interest in the vehicle to any other person whatsoever he shall give notice in writing of the transfer to the council, giving the name and address of the person to whom the vehicle has been transferred as soon as is practicable and in any case not later than 10 working days after the transfer has become effective.

3.29 Fares

The Council has adopted the power, under Section 65 of the 1976 Act to fix the maximum fares for hackney carriages and under the Council constitution this is considered an executive function. The Environmental Health Team Manager has delegated power to publish a notice but if there are objections received, which cannot be resolved, these are to be referred to Licensing Committee.

Hackney Carriages

Hackney Carriage Fares, set by the Council, are a maximum. The current tariff must be displayed where it can be seen easily by passengers.

Taximeters must be used to record the fare from, but not before, the start of a journey. Taximeters must not be started for disabled passengers requiring assistance before they are seated and secured.

The driver is responsible for ensuring that the seals of the taximeter are intact whilst they are in control of the vehicle. Drivers must not use a vehicle where the seals have been broken.

A hackney carriage cannot charge more than the metered fare for a journey within the district irrespective of how that was arranged (rank, hailed or pre-booked).

Before the start of a hiring for a journey which ends outside the district, agreement can be made to pay an amount which is more than the metered fare, but if no agreement is made only the metered fare can be charged.

Hackney carriage drivers, can when working, offer a discount on the metered fare (within or outside the district) as long as it is less than the hackney tariff set by the Council.

The Council may review Hackney carriage fare scales when requested by the hackney carriage proprietors. The Council would follow the appropriate procedures detailed in the Local Government (Miscellaneous Provisions) Act 1976 in respect of consultation and advertisement of any variation of the fares.

When determining the level of fares, consideration will be given to what it is reasonable to expect the travelling public to pay as well as the need to give the drivers an incentive to provide a cost-effective service at the times it is needed.

Out of district journeys can be negotiated prior to the commencement of the journey in both private hire vehicles and hackney carriages.

A table of authorised fares will be provided to each hackney carriage licence holder, which must then be displayed in each vehicle so that it is easily visible to all hirers.

Private Hire Vehicles with a meter

Private hire operators may set their own fares, but if a meter is used the current fare chart must be displayed in each vehicle so that it is easily visible to all hirers.

Meters must be used to record the fare from, but not before, the start of a journey. Meters must not be started for disabled passengers requiring assistance before they are seated and secured.

Unless there is an agreement with the passenger before the journey commences, you

cannot charge more than is shown on the Meter, at the end of the journey.

The driver is responsible for ensuring that the seals of the meter are intact whilst they are in control of the vehicle. Drivers must not use a vehicle where the seals have been broken.

For private hire vehicles without meters, the passenger cannot be charged more than the charge agreed between the passenger and operator before the vehicle was hired.

If the charge is calculated from a tariff, a current fare/tariff table must be displayed where it can easily be seen by passengers.

If a Mobile App or other electronic device is used to set a tariff for the journey, then the means of setting that tariff should be visibly displayed in the vehicle.

3.30 Animals

No animal belonging to the vehicle proprietor or private hire operator, or the driver of the vehicle shall be conveyed in the vehicle.

Any animal belonging to or in the custody of a passenger, which in the driver's or proprietor's discretion may be conveyed in the private hire vehicle must be conveyed in the rear of the vehicle and shall be contained so as not to present a nuisance or hazard to any occupants of the vehicle.

A proprietor or driver of a vehicle must carry a guide dog or assistance dog belonging to a passenger free of charge unless the driver has a proven medical condition that would preclude such action. – exemption certificate

3.31 Loss of Licence

A replacement vehicle licence may be issued upon the payment of the relevant fee.

3.32 Return of Identification Plate

The proprietor of a vehicle must on receipt of a notice, return the vehicle identification plate to the Council in the event of the expiry (without immediate renewal), suspension or revocation of the licence (Section 58(2) LGMPA 1976).

3.33 Application Procedures

The Council will consider all applications for vehicle licences on their own merits once the application is complete.

Driver's licences shall remain in force for three years, unless the Council decides it appropriate in the circumstances of the case that the licence should be for a lesser period and then can be renewed.

Drivers are reminded that the ultimate responsibility for ensuring that their licence is renewed on time remains with them.

3.34 Grant and Renewal of Vehicle Licences

Hackney carriage or private hire vehicle licences will be issued for a 12-month period from the date of grant.

Application forms, supporting information and appropriate fees should be submitted at least 10 working days prior to the expiry of the previous licence. Current MOTs and test certificate passes must be submitted no later than ten working days prior to the expiry of the existing licence. A licence will not be renewed without all supporting documentation being received and satisfying the requirements of this Policy. If the licence is not renewed before expiry a hackney carriage/private hire vehicle will be required to re-license with new plates and to meet all current conditions.

3.35 Enforcement

For vehicles the enforcement, convictions scheme and penalty points policy at section 5 will be applied as part of the application process or for incidents occurring within the life of the licence.

3.36 Refuse to Grant/ Renewal

The Council may suspend, revoke, or refuse to renew a vehicle licence for any of the following reasons:

- (a) The vehicle is considered unfit
- (b) An offence has been committed
- (c) For any other reasonable cause

Appeal against the suspension, revocation, or refusal to renew a vehicle licence can be made to the Magistrates' Court.

3.37 Criminality check for vehicle proprietors

The council requires a basic disclosure from the DBS upon application. The certificate will disclose any unspent convictions recorded on the police national computer. The council will consider whether an applicant or licence holder with a conviction for offences provided within the council convictions scheme, meet the 'fit and proper' threshold.

A check will be carried out by the council annually.

The council acknowledges that in many cases individuals that license a vehicle may already hold a driver licence. As this council carries out a criminal record check of

licensed drivers every 6 months, if an applicant for a vehicle licence already holds a driver licence with the council a basic disclosure is not required. Should the vehicle licence holder cease to hold a driver licence, a basic certificate would be required immediately.

DRAFT

Private Hire Operators Licence

DRAFT

Private Hire Operators' Conditions

4.1 Private Hire Operators - Introduction

Under the provisions of the Local Government (Miscellaneous Provisions) Act 1976 no person shall, in a controlled district, operate any vehicle as a private hire vehicle without having a current Private Hire Operator's licence. A Local Authority shall not grant a licence unless they are satisfied that the applicant is a 'fit and proper person' to hold an operator's licence.

The standard length of a private hire operator's licence is five years. A shorter duration period will only be issued when the council thinks it is appropriate in the specific circumstances of the case, for example

- If an applicant or licensee has requested one;
- When a licence holder's leave to remain in the UK is time-limited;
- Where the licence is only required to meet a short-term demand

In determining whether an applicant is 'fit and proper' to operate private hire vehicles and drivers in North West Leicestershire, the Council shall have regard to (but not limited to) the following factors:

- Any previous convictions of relevance;
- The applicant's financial standing;
- The applicant's general character;
- The applicant understanding of their responsibility as a private hire operator and their commitment to abide by the terms and conditions of the private hire operator's licence;
- Immigration status (see Application Guidance at Section 6 re 'right to licence').

Only when the Council is satisfied on all these points will it consider granting/renewing a private hire operator's licence. However, before granting the licence the Council will have to be satisfied that the premises from which the applicant intends to operate is suitable.

When the Council is satisfied with the fitness of the applicant and the suitability of the applicant's premises then a private hire operator licence can be granted/renewed subject to standard terms and conditions plus any other special conditions which the Council deems necessary.

The Council takes the view that as the person responsible for recruiting private hire vehicles and drivers, for accepting bookings and for fulfilling customer expectations, the role of the private hire operator is crucial. It is they who can set the standards expected by the company and ensure that vehicle proprietors and drivers meet those standards and customer's expectations. It is also important that the private hire operator recognises the role of the Council as the Licensing Authority and works in partnership with the Council to achieve high standards.

The aim of the Council's policy is therefore to ensure that only persons who are honest, professional, and committed to meeting the Council's high standards are licensed as private hire operators. It is hoped that through this policy the Council, the private hire trade and the people of North West Leicestershire will benefit from a high quality, professional private hire service.

4.2 Detailed consideration of 'fit and proper'

Every applicant (unless they are currently a licensed driver with the Council) will be required to;

- provide a statutory declaration; and
- Provide a Basic Disclosure from Disclosure and Barring Service (DBS) <http://www.gov.uk/basic-dbs-check> (if you need telephone or face to face support to apply on line, call the DBS helpline on 03000 200 190 or email customer.services@dbs.gsi.gov.uk)
- Immigration Status (This list can be found on the Councils licensing web page – 'Apply for a New Combined Drivers Licence.')

In respect of an application from a partnership, each and every partner will be required to submit a separate statutory declaration and basic disclosure check.

In respect of an application from a limited company, each director, company secretary and the person who is the manager of the private hire operation will be required to submit a separate statutory declaration and basic disclosure. In addition, details of any convictions against the company will need to be submitted to the Council for consideration.

The Council will only accept a statutory declaration and basic disclosure relating to an individual that has been produced within the last 3 months.

Operators will be required to provide a statutory declaration and submit a DBS application every year 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. The council will carry out a check **annually**.

The applicant must satisfy the Council that the applicant is fit and proper to be granted a private hire operator's licence. Every applicant, partner, director (unless they are currently a licensed driver with the Council) will be required to:

- Provide a statutory declaration.
- Provide a basic disclosure check.
- Operators (individuals) from other countries will be required to provide a certificate of good conduct from the embassy of any country where they have been domiciled before entering the UK (after the age of 10 years old) which must be no older than 3 months at time of presentation. The certificate of good conduct must be translated into english at the applicants own cost.

- Undertake and pass the operator knowledge test (this includes a section on Safeguarding Vulnerable Passengers) before a licence is issued, the same as a new licensed driver. Further information and the link by which to access the course is available on the licensing pages of the Councils website. This will only apply to new applications received after the commencement of this policy.
- Your right to work in the UK will be checked as part of your grant or renewal licence application, this could include checking your immigration status with the Home Office. We may otherwise share information with the Home Office.
An applicant can do this by providing their 'share code' to enable the council to carry out a check using the Home Office online right to work checking service

The Rehabilitation of Offenders Act 1974 does not apply to applicants for both hackney and private hire driving licences. They are required to disclose all convictions, including those that would normally be regarded as spent. For these purposes, any offence resulting in the acceptance of a fixed penalty notice will be considered to be a conviction.

4.3 Previous Convictions

In view of the significant responsibility held by private hire operators in terms of setting standards for their company, recruiting vehicles and drivers, and dealing with members of the public the Council believes that the operator must be a person of good character and should be an example to all those whom they employ or allow to drive on their behalf.

The Council therefore insists that applicants must fulfil the same requirements as applicants for private hire driver's licences in terms of being free from serious convictions. Serious convictions include any formal cautions. The enforcement, convictions scheme and penalty points policy, Section 5 will be applied to applicants with convictions.

4.4 Register of staff / Vetting Procedures

Private hire operators are required to keep a register of all staff that will take bookings or dispatch vehicles.

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.

In doing so operators must evidence to the authority that they have had sight of a basic DBS check on all individuals added to the register. They should be required, as part of their employment contract, to advise the operator of any convictions while they are employed in this role.

The register should be a 'living document' that maintains records of all those in these roles for the same duration as booking records are required to be kept, this will enable cross-referencing between the two records.

A record that the operator has had sight of a basic DBS check certificate (although the certificate itself should not be retained) should be retained for the duration that the individual remains on the register.

Should an employee cease to be on the register and later re-entered, a new basic DBS certificate should be requested and sight of this recorded.

An operator cannot pass on the obligation placed on them to protect children and vulnerable adults.

Operators or applicants for a licence should also provide their policy on employing ex-offenders in roles that would be on the register as above.

As with the threshold to obtaining a private hire vehicle operators' licence, those with a conviction for offences, other than those relating to driving, may not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car.

4.5 Private Hire/Hackney Carriage Offences and Non-Compliance with Licence Conditions

Any previous conviction that relates to an offence committed (in any licensed district) by the applicant while working as a hackney carriage or private hire proprietor, driver or operator is regarded as extremely serious, and the application is likely to be refused or an existing licence revoked.

This includes any offence against the Town Police Clauses Act 1847 or the Local Government (Miscellaneous Provisions) Act 1976. In addition, at the time of renewal of any private hire operator's licence, the Council will consider the applicant's compliance with the licence conditions. In cases where there have been minor breaches of the licence conditions, these will not usually prevent renewal of a licence, but the applicant should be issued with a warning as to their future conduct.

In the case of more serious breaches of the licence conditions such as:

- where there is evidence of a repeated failure by the applicant to ensure that vehicles are maintained in a roadworthy condition; and/or the applicant is unable to demonstrate that she/he has taken effective action to prevent such plying for hire then in such cases the Council will usually refuse to renew the licence.

This list is not exhaustive and should not be regarded as the only examples of serious breaches of the licence conditions.

4.6 Financial Considerations

Applicants for the grant of a licence must demonstrate that they are solvent, of sound financial standing and free from any past financial irregularities.

A check of open-source data will be made and cross checked with companies house. The council may request financial information.

If the applicant has been declared bankrupt, then an application will not normally be considered until their bankruptcy has been discharged.

In cases where an applicant has been disqualified from being a director of a company, then an application will not normally be considered until their period of disqualification has expired.

4.7 Certificate of Good Conduct (residency outside the UK)

Because of the potential lifetime relevance for some of the most serious offences mentioned in this policy, the Council will need to ensure that sufficient background checks are conducted for those applicants that have lived overseas.

Private hire operators (who are not a licensed driver with North West Leicestershire District Council) will be required to provide a certificate of good conduct from the embassy of every country where they have been domiciled before entering the UK (after the age of 10 years old) which must be no older than 3 months at time of presentation. The certificate of good conduct must be translated into English at the applicant's own cost.

If an existing private hire operator has spent three continuous months (or more) living or on holiday overseas, the Council will need to see evidence of a criminal record check from the country / countries visited, covering the period that the applicant was overseas.

Any new applicant who has been granted or is awaiting a decision to be granted asylum or refugee status will not be required to produce a certificate from the country they are claiming asylum from; evidence of this must be provided. The new applicant will, however, be required to obtain a certificate from any other country they have lived.

Where a person has spent three months or more, on active service, or any similar deployments abroad as a member of the British Armed Forces, then they will be exempt from the requirement to provide a certificate of good conduct.

If an existing driver/operator has spent three continuous months (or more) living or on holiday overseas, the Council will need to see evidence of a criminal record check from the country / countries visited, covering the period that the applicant was overseas.

4.8 Sub-contracting

Section 11 of the Deregulation Act 2015 allows private hire operators to sub contract to each other across licensing boundaries. This will allow operators to work more flexibly and potentially grow their businesses. The triple licence requirement, that private hire operators are licensed within a district and must only use vehicles and drivers licensed by the same authority as their operator's licence, remains.

4.9 The Applicant's Premises

The applicant's premises **MUST** either be within the district of North West Leicestershire, or the private hire operator, vehicle and driver licence all issued by North West Leicestershire District Council.

Any premises maintained by the applicant for a private hire operator's licence may require planning permission for that usage. It is advised that applicants seek advice of the planning authority prior to making an application for a private hire operator's licence or commencing the use of premises under such a licence. The grant of an operator's licence does not override the requirement for planning permission to allow the use of a premises as a private hire operator's base. Premises failing to obtain or comply with planning permission where required may be liable to planning enforcement action.

However, if the applicant proposes to allow members of the public to wait at the premises from which the applicant intends to operate, before granting the operator's licence, a Licensing Enforcement Officer, will inspect the premises to ensure that they are suitable for accommodating members of the public and are properly furnished.

4.10 Standard of Customer Service

Licence holders shall 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.

The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular: -

Ensure customers are picked up and reach their destination journey in line with the booking made.

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.

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.

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).

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.

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.

The operator must 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.

4.11 Processing the Application

Once a fully completed application form (including the fee) has been received by the licensing team and evidence of consulting with planning/planning approval (if necessary) any inspections or meetings, which are necessary, will take place between the applicant and the Licensing Enforcement Officer. Once the Licensing Enforcement Officer is satisfied that the applicant is a fit and proper person, the Licensing team will issue the licence. The licence will last for 5 years, unless there is good reason to grant for a shorter period of time.

The Council will aim to process a complete application within 10 working days of receipt if all the satisfactory additional supporting information has been received (e.g., subject access search/statutory declaration, references, planning consent, including financial etc.)

Successful applicants will have their licence granted by the licensing team subject to the standard terms and conditions plus any additional conditions which members may deem necessary.

4.12 Renewal of Licence

The operator's licence must be renewed in the fifth year. The form, together with the appropriate licence fee and documentation must be submitted to the licensing team at

least **10 working days** prior to the expiry of the current licence.

If an existing licensee fails to renew their licence prior to its expiry, then the Council shall not renew the licence, but the person/organisation concerned will have to submit a new application. Including a new statutory declaration/basic disclosure check, and new character references which might mean you cannot work for a period of time.

The Council has power to revoke or suspend an operator's licence for any offence under, or non-compliance with, Part II of the 1976 Act, for any conduct on the part of the operator which appears to the Council to render him unfit to hold an operator's licence, for any material change in any of the circumstances of the operator on the basis of which the licence was granted.

4.13 Conditions of Licence

If any of the conditions contained in this Licence are breached, penalty points / warnings may be awarded under section 5 of the Policy, which may result in the suspension or revocation of the licence.

The private hire operator must be aware of the provisions of the Local Government (Miscellaneous Provisions) Act 1976. Other legislation may also affect the operator business. For example, some of the provisions of the Town and Country Planning Act 1990 and the Health and Safety at Work, etc. Act 1974 may be applicable. The responsibility is that of the operator to check the extent to which your business is affected by these provisions and comply with them.

The applicant will be expected to demonstrate an understanding of the standard conditions that apply to an operator's licence prior to a licence being issued. All private hire operator licences granted by the Council are subject to the standard conditions. These must be complied with at all times and failure to do so may result in the operator's licence being suspended, revoked or a renewal application being refused.

In addition to the standard conditions the Council may also impose specific conditions where it feels they are necessary. These could relate personally to the operator or to the operator's premises. As with the standard conditions the operator is expected to comply with them at all times.

Authorised officers will carry out checks periodically on operators in order to ensure compliance with the licence conditions. If non-compliance with the conditions is identified then enforcement action will be taken in accordance with the enforcement, convictions scheme and penalty points policy. The results of these checks will be recorded and considered when an operator applies to renew the licence.

4.14 Your Duties as an Operator

4.14.1 Vehicles

Each private hire vehicle that is operated under the terms of the licence must be licensed by North West Leicestershire District Council under the (Miscellaneous Provisions Act 1976) and be insured for the purposes of private hire or reward.

The Council will not accept insurance for a private hire vehicle that states it has 'public hire' insurance.

You must do as much as you can to make sure that vehicles that you operate always meet the requirements of the Hackney Carriage and Private Hire Licensing Policy.

The operator is responsible for the general condition and roadworthiness of the licensed vehicles they dispatch.

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.

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.

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.

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.

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.

4.14.2 Premises

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.

4.14.3 Drivers

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.

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.

The operator shall ensure that drivers who drive vehicles operated by them are fit to drive.

4.14.4 Radio

The operator may require an appropriate licence if a radio system is in operation. The radio equipment that you operate must be properly maintained. It must comply with all Government guidelines regulating the use of such equipment and must not interfere with other radio or telecommunications equipment.

4.14.5 Nuisance

The Operator shall ensure that the business does not cause a nuisance to or annoy anyone who lives nearby your premises.

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.

4.14.6 Fares for vehicles with meters/taxi meters

The Operator must ensure that the fares table for the vehicle can be easily seen by passengers and send a copy of the fares table to the Licensing Officer. If amendments or variations to the fares table are made, the operator must send a copy to the Licensing Officer within 10 working days of such changes being made.

4.14.7 Fares for Vehicles without Meters

For private hire vehicles without meters, the passenger cannot be charged more than the charge agreed between the passenger and operator before the vehicle was hired.

If a Mobile App or other electronic device is used to set a tariff for the journey, then the means of setting that tariff should be visibly displayed in the vehicle.

4.14.8 Advance bookings

When a vehicle has been hired in advance the operator must make sure that it does not arrive at the pick-up point late unless something unavoidable has happened to delay or prevent it from reaching the pick-up point.

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.'

4.14.9 Staff training

The operator shall notify the Council within 7 days of the commencement of employment of any private hire driver.

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.

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.

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.

All PHO's must ensure that the person responsible for the operational management of the private hire business have adequate safeguarding knowledge. All operators will be required to complete the safeguarding 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 considered.

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. A record of the training carried out shall be made and retained by the operator.

4.14.10 Personal Data

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.

4.15 Company Name and Advertising of Business

The Council must be satisfied that the proposed name of the applicant's company is suitable and does not conflict with existing licensed operators.

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 council. The Council will not authorise the use of a trading name of a previous licensed operator.

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 a Licensing Authority the use of that operators name cannot be used as a trading name.

4.16 Records that you must keep

Operator's licence

You must keep a copy of your operator's Licence at the premises at all times. The licence is the property of the Council, and you must return it to the Council immediately if it is asked for or if you wish to surrender it.

Bookings

You or your staff must only accept bookings at the premises from which you are licensed to operate.

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.

You must record the details about every booking made before the booked journey starts.

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.**

If an operator chooses to use an electronic booking system the system must be approved by the Council and have an audit log which details any amendments made to the bookings.

If the records are compiled on a computer, then they must be capable of being immediately printed onto paper if requested by an authorised officer or police officer. Any records kept on computer must not be capable of retrospective alteration or amendment.

The following must be recorded;

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

This information will enable the passenger to be traced if this becomes necessary and should improve driver security and facilitate enforcement. 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.

If you operate from more than one premise's, a record of **every** booking must be kept available for inspection at each premise, regardless of which premises received the booking.

Vehicle details

You must keep the following details about each vehicle that you operate:

- make of the vehicle;
- model of the vehicle;
- manufacturer of the vehicle;
- colour of vehicle;
- registration number of the vehicle;
- the number of seats for passengers;
- proprietor and driver(s) of the vehicle;
- any radio call sign of the vehicle;
- private hire vehicle licence/plate number;
- the date of the expiry of the private hire vehicle licence;
- details of insurance to include date of expiry and the insurance provider and named drivers on the insurance policy;
- whether a meter is fitted in the vehicle.

Driver details

You must keep the following details about each driver that you employ (operator driver schedule):-

- A copy of their licence to drive a Private Hire Vehicle.
- full names of the drivers of vehicles and their radio call signs;
- address of the driver;
- contact details of the driver;
- date of expiry of his/her private hire driver's licence;
- date of his/her next medical;
- 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 Council of this immediately;
- date when any new driver begins service with the operator;
- details of when any driver's service ceases with the operator;
- record date of DBS check and if driver registered with the update service;
- date of expiry of his DVLA driving licence.

4.17 Keeping the council informed of Changes

Changes in your details

Note: Once a licence has been granted, your circumstances may change and these

may influence whether you are still eligible to hold a licence. A private hire operators licence is non-transferable.

You must inform the licensing team in writing within 2 working days details of any arrest, conviction or caution by the police relating to offences relating to indecency or of a sexual or violent nature.

You must inform the Licensing team in writing within 10 working days of the following changes in your circumstances: -

- Any criminal charges for driving or non-driving offences made against you during the currency of the licence.
- Any convictions for driving or non-driving offences during the currency of the licence.
- Any formal cautions for driving or non-driving offences during the currency of the licence.
- Any driving disqualification made against you during the currency of the licence.
- Any Mental Health Order imposed on you during the currency of the licence.
- Any penalty points incurred on your DVLA driving licence.
- Any bankruptcy order or voluntary arrangement made against you.
- Any disqualification under the Companies Act 1985.
- Any winding up, administration, receivership, or liquidation.
- Any County Court judgements.
- Your home or the registered office address

Any changes in the following must be notified in writing to the Licensing Officer at least ten working days in advance of such changes: -

- Change of its telephone number.
- Change of company name
- The ownership of the business including dissolution of any partnership
- Change of directors or partners

The operator shall apply in writing to the Council if they wish to change or add to the name of their company. Any new name must not be used until the Council has granted written approval to the operator.

Where there is a change in the ownership or controlling interest of the company, notification must be made to the Council at least **10 working days** in advance of the proposed change. The new owner or responsible person is required to submit an application for an operator's licence (whether or not the operating name remains the same). The application will be determined in accordance with this Policy.

Failure to give the Council adequate notice of any change in ownership may mean that the business cannot continue to operate until the Council is satisfied that the new owner is a 'fit and proper' person.

The 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. 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.

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 of such change. A revised licence will be issued. There is no transfer of licence should the ownership change.

4.18 Complaints

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 on: licensing@nwleicestershire.gov.uk or 01530 454545."

On receipt of a complaint, the operator shall document the following information:

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

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 authorised officer of the Council or by a Police Officer at all reasonable times. Records shall be kept for a minimum period of 12 months.

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.

The operator must train all office staff and drivers on how to record complaints and what action is required once a complaint is received.

If the Council receives any complaint regarding the conduct of the private hire operator, the staff, or the drivers the Operator must co-operate with the investigation and provide such reasonable assistance to the Licensing Officer, or the Enforcement Officers as requested.

4.19 Incidents/Damage to vehicles

If one of the vehicles which you operate is damaged and the damage affects the safety of the vehicle, its performance, appearance or its comfort and convenience to passengers, then you must let the Council know as soon as possible and no later than three days (72 hours) after the damage has occurred. An authorised officer or a police officer can suspend the vehicle licence until the damage is repaired to the satisfaction of the authorised officer or mechanics authorised by the Council to test the vehicle.

4.20 Licence

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.

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.

The loss of a licence must be reported to the council as soon as possible. A replacement licence will be issued upon the payment of the relevant fee.

4.21 Authorised officers

Production of documents

An authorised officer or a police officer can, at any reasonable time, ask to see your licence, or any of the records that you are required to keep, and which are detailed in this section.

Obstruction of authorised officers

If you deliberately obstruct an authorised officer or a police officer or fail to comply with any request made by such an officer without any good reason you can be prosecuted. You can also be prosecuted if you tell an authorised officer or a police officer anything, which you know is not true when you are being questioned by them.

Enforcement, Convictions Scheme and Penalty Points

DRAFT

Enforcement policy, Convictions Scheme and Penalty Points

5.1. Introduction

The purpose of this section of the Policy is to provide guidance on the criteria considered by the Council when determining whether or not an applicant or an existing licence holder is a fit and proper person to be granted, have renewed, or continue to hold a hackney carriage /private hire driver or private hire operator's licence.

Whilst criminal convictions play a significant part in the Council's determination as to whether an individual is 'fit and proper,' the Council will also consider other factors such as demeanor, general character, non-criminal behaviour, driving abilities and other information from other bodies such as the Police.

This Policy will be immediately applied to all current licences, in addition to being considered at the time of renewal and grant of a licence.

The overriding aim of the Council in conducting its licensing function is to protect the safety of the public.

The Council is concerned to ensure

- That an applicant is a fit and proper person, which would include the following;
- That the person does not pose a threat to the public.
- That the public are safeguarded from a dishonest person.
- The safeguarding of children and young persons and the vulnerable.

Each case will be considered on its individual merits and, in exceptional circumstances the Council may depart from the guidelines.

The sanctions that are available to be applied are to suspend, revoke, and in the case of a grant or a renewal application, refuse to renew the licence.

In addition, where a licensed drivers accumulates points on their DVLA driving licence, or where complaints about the standard of driving are received the Council may require the driver to undertake a practical driving test.

5.2 General policy

A person with a conviction(s) need not be automatically barred from obtaining or retaining a licence, but would normally be expected to:

- Remain free of conviction for an appropriate period; and/or
- Show adequate evidence that he or she is a fit and proper person to hold a licence (the onus is on the applicant to produce such evidence). Simply remaining free of conviction may not be regarded as adequate evidence that a person is a fit and proper person to hold a licence.

In the case of new/existing licence holders, the Council, will consider the enforcement, convictions scheme and penalty points policy in respect of whether a licence would be granted/renewed.

Sections 60 - 62 of the Local Government (Miscellaneous Provisions) Act 1976 allows the Licensing Authority to suspend, revoke or refuse to renew a licence.

Where an applicant or existing driver/operator has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction.

5.3 Appeals

Any applicant refused a driver or operator's licence on the grounds that the Licensing authority is not satisfied he is a fit and proper person to hold such a Licence has a right to appeal to the Magistrates' Court within 21 days of the notice of refusal [Local Government (Miscellaneous Provisions) Act 1976, s52].

Powers

The Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002, allows the licensing authority to consider all convictions recorded against an applicant or the holder of a private hire vehicle or hackney carriage driver's licence, whether spent or not. Therefore the Council will have regard to all relevant convictions, particularly where there is a long history of offending or a pattern of repeat offending.

5.4 Consideration of disclosed criminal history

Under the provisions of Sections 51, 55, and 59, Local Government (Miscellaneous Provisions) Act 1976, the licensing authority is required to be satisfied that an applicant for the grant or renewal of a hackney carriage, hackney carriage proprietor, private hire vehicle drivers' 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 look into:

- How relevant the offence(s) are to the licence being applied for.
- How serious the offence(s) were.
- When the offence(s) were committed.
- The date of conviction.
- Circumstances of the individual concerned.
- Sentence imposed by the court.
- The applicant's age at the time of conviction.
- Whether they form part of a pattern of offending.
- Any other character check considered reasonable (e.g., personal references).
- Any other factors that might be relevant.

Driver licence holders must declare any convictions, (including spent convictions, and

motoring convictions).

Licence holders are required to notify the issuing authority within 2 working days of an arrest and release, charge, or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence.

Any applicant or licence holder who has been arrested or charged, but not convicted for an offence that suggests they could be a danger to the public, then the licensing authority will still consider that as part of the applicants / licence holders' history.

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

Any person driving the public will be expected to have the highest standard of driving skills. The council will consider all convictions for driving offences and any information or evidence that driving skills fall below these high standards. Applicants and drivers may be required to take a Practical Driving Assessment in certain circumstances.

Applicants can discuss further what effect a caution/conviction may have on any application by contacting the Council and asking to speak to the licensing team in confidence for advice.

The Council conducts enhanced disclosures from the Disclosure Barring Service (DBS) of any applicant for a driver licence. The Council follows the DBS's Code of Practice on the fair use of disclosure information.

Applicants applying for the grant, or a renewal of a driver's licence will be required to obtain an enhanced disclosure at their expense.

More information about the Disclosure Barring Service can be found by searching for Disclosure and Barring Service at:

<https://www.gov.uk/government/organisations/disclosure-and-barring-service>

The Council is entitled to use other records and information that may be available, in determining applications or an entitlement to continue holding a licence.

It is an offence for any person to make a false declaration or to omit any material, particular in giving information required by the application for a licence, and /or will normally result in a refusal.

A driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.

As stated above, where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a fit and proper person.

5.5 Criminality checks for Vehicle Proprietors

A basic disclosure from the DBS for vehicle proprietors who are not licensed drivers or Private hire operators, and that check is undertaken annually.

Any individual applicant or licence holder with a conviction for offences provided in Assessment of previous convictions, should meet the 'fit and proper' threshold.

5.6 Assessment of Previous Convictions

Each case is considered on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application.

Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases.

Crimes resulting in death

Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not normally be licensed.

Exploitation

Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not normally be licensed. This includes slavery, child sexual exploitation, grooming, psychological, emotional, or financial abuse, but this is not an exhaustive list.

Offences involving violence

Where an applicant has a conviction for an offence of violence, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Possession of a weapon

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Sex and indecency offences

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not normally be granted.

In addition to the above, the Council will not grant a licence to any applicant who is currently on the sex offenders register or on any 'barred' list.

Dishonesty

Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Drugs

Where an applicant has any conviction for, or related to, the supply or production of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Discrimination

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Motoring convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or necessitate the revocation of a taxi or private hire vehicle driver licence providing the Council considers that the licensee remains a fit and proper person to retain a licence.

However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

Drink driving/driving under the influence of drugs/using a hand-held telephone or hand-held device whilst driving

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the

influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Using a hand-held device whilst driving

Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

Insurance offences

A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided they have been free of conviction for 3 years; however strict warning should be given as to future behaviour. More than one conviction for these offences would normally prevent a licence being granted or renewed.

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

Outstanding charges or summonses

If the individual is the subject of an outstanding charge or summons their application can continue to be processed, but the application will need to be reviewed at the conclusion of proceedings. Where information is received through the Notifiable Occupations Scheme on existing licence holders, consideration will be made at committee.

If the outstanding charge or summons involves a serious offence and the individual's conviction history indicates a possible pattern of unlawful behaviour or character trait, then in the interests of public safety the application may be put on hold until proceedings are concluded, or the licence may be refused.

A suspension or revocation of the licence of a driver takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver. If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver includes a statement that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver. [Road Safety Act 2006, s 52, 2A&2B]

Non-conviction information

If an applicant has been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration should be given to

refusing the application. Such offences would include serious violent offences and serious sex offences.

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

Cautions

Admission of guilt is required before a caution can be issued. Every case will be considered on its own merits including the details and nature of the offence.

Licensing offences

Certain offences under taxi legislation such as plying for hire, overcharging, and refusing to carry disabled persons would normally prevent a licence being granted or renewed until a period of 3 years has passed since.

Hackney carriage and private hire offences

Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Vehicle use offences

Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

5.7 Licences issued by other licensing authorities

Applicants who hold a licence with one Council should not automatically assume that their application will be granted by another. Each case will be decided on its own merits.

5.8 Summary

To summarise, a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed.

While it is possible that an applicant may have a number of convictions that, individually, meet the above guidelines, the overall offending history must be considered when assessing an applicant's suitability as a fit and proper person to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction.

5.9 Penalty point scheme

Introduction

FURTHER WORK IS REQUIRED BEFORE THE FOLLOWING PENALTY POINTS SCHEME CAN BE INTRODUCED. THE COUNCIL WILL AIM TO INTRODUCE THE SCHEME IN THE AUTUMN OF 2023

The purpose of this policy is to provide guidance on the application of the penalty points system.

The overriding aim of the licensing authority is to protect the safety of the public. The licensing authority is concerned to ensure:

- That a person is a fit and proper person.
- That the person does not pose a threat to the public.
- That the public are safeguarded from a dishonest person.
- The safeguarding of children and young persons and the vulnerable.

General policy

There may be occasions where it is appropriate to depart from the guidelines, for example where there are mitigating circumstances or alternatively where there are many or continuous offences which may show a pattern of offending and unfitness.

Penalty points will be applied by the Council when satisfied that a breach has been identified by means of written notice being given to the licensee setting out the number of points that have been applied.

Points issued to either the owner of a vehicle, operator or driver will be confirmed in writing within 10 working days from the date of the decision. Any penalty points that are awarded will be recorded on the relevant computer record. Normally, the maximum tariff will be applied, but where there are mitigating circumstances, a lesser number of penalty points may be issued.

Where an individual licensee reaches 12 penalty points, in a rolling 36-month period, the matter will be referred to the Council's Licensing Sub Committee for the Committee to consider that licensee's continued fitness to hold a licence.

Penalty points may be removed from the record after 12 months or following a Licensing Sub Committee hearing, where the Committee can decide to:

- (a) quash or reduce the penalty points;
- (b) confirm the penalty points; or
- (c) increase the penalty points based upon the evidence.

The aim of the scheme is to identify those licensees who repeatedly breach conditions or byelaws, and is not intended as punitive, until and unless an individual accrues the

12 points necessary, to require a Licensing Sub Committee hearing.

Appeals

Any licensee who is awarded penalty points has the right of appeal, in respect of the individual points, to the Environmental Health Team Manager or Head of Community Services up to 21 days after the confirmation notice is received. The decision to be made will be to;

- (a) quash or reduce the penalty points;
- (b) confirm the penalty points; or
- (c) increase the penalty points based upon the evidence.

If a Licensing Sub Committee choose sanctions such as suspension, revocation, or refusal to renew (in the case of a renewal application), there is a right of appeal to the Magistrates Court.

5.9.1 Penalty Points Table

Offence/Breach of Condition		Maximum Points Applicable	Driver	Vehicle Owner or Operator
1	Obstruction of an Authorised Officer or Police Officer wishing to examine a licensed vehicle	12	✓	✓
2	Failure to behave in a civil and orderly manner	12	✓	✓
3	Using a vehicle subject to a suspension order issued by an Authorised Officer or a Police Officer	12	✓	✓
4	Using a vehicle for which the licence has been suspended or revoked	12	✓	✓
5	Driver not holding a current DVLA licence	12	✓	✓
6	Using unlicensed vehicle or vehicle without insurance	12		✓
7	Carry more passengers than stated on the vehicle licence	12	✓	

Hackney Carriage and Private Hire Licensing Policy

8	Carrying an offensive weapon in the vehicle	12	✓	
9	Refusal to accept hiring without reasonable cause e.g., drunk or rude customer	12	✓	
10	Failure to give required mobility assistance	12	✓	✓
11	Failure to carry an assistance dog without requisite exemption	12	✓	✓
12	Unreasonable prolongation of journeys or any misconduct regarding the charging of fares	12	✓	
13	Failure to issue receipt on request	12	✓	
14	Driving while using a mobile phone	12	✓	
15	Plying for hire by Private Hire vehicle	9	✓	✓
16	Failing to notify the issuing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence.	9	✓	✓
17	Failing to notify the issuing authority within 10 Working days of any other offence not listed at 16	6	✓	✓
18	Submission of false or misleading information to North West Leicestershire District Council.	6	✓	✓

19	Unsatisfactory behaviour or conduct of driver	6	✓	
20	Failure to provide proof of insurance within 7 days	6	✓	✓
21	Displaying any feature on Private Hire vehicle that may suggest that it is a taxi	6		✓
22	Using a vehicle, the appearance of which suggests that it is a taxi	6		✓
23	Failure to submit a licence renewal application including documents and attendance at a vehicle inspection	6	✓	✓
24	Failure to undergo the vehicle interim compliance test	6		✓
25	Using a non-approved or non-calibrated taximeter	6	✓	✓
26	Failure to keep or produce records of Private Hire bookings or other documents required to be kept or produced	6		✓
27	Failure to give assistance, when requested, with loading/unloading luggage to or from any building or place	6	✓	
28	Failure to notify, in writing, a change in medical circumstances	6	✓	✓
29	Failure to notify in writing the Council of changes of address within 10 working days.	3	✓	✓
30	Failure to report to an authorised Officer within 72 hours a collision or damage to a licensed vehicle which would cause a vehicle to breach the licence conditions	3	✓	✓

Hackney Carriage and Private Hire Licensing Policy

31	Failure to display drivers' badge	3	✓	
32	Failure to return vehicle licence plate within 10 working days after due notice, following expiry, revocation or suspension of such licence	3		✓
33	Fail to attend punctually to a fare at appointed time and place without sufficient cause	3	✓	✓
34	Use a licensed vehicle with a bald tyre	3 / tyre	✓	✓
35	Failure to use authorised roof light	3	✓	
36	Failure to hold current vehicle tax	3		✓
37	Failure to produce relevant documents within a reasonable time when requested by an authorised officer	3	✓	✓
38	Unsatisfactory condition of vehicle – Interior or Exterior	3	✓	✓
39	Failure to produce Hackney Carriage or Private Hire vehicle for testing or inspection when required	3	✓	✓
40	Misuse of taxi rank	3	✓	
41	Failure to display external or internal licence plate or signs as required	3	✓	✓
42	Failure to notify transfer of Hackney Carriage or Private Hire Licence	3		✓

43	Failure to carry an approved first aid kit	3	✓	✓
44	Displaying unsuitable or inappropriate sited signs or advertisements in or on the vehicle	3		✓
45	Evidence of smoking or using e cigarette in vehicle	3	✓	
46	Unsatisfactory appearance of driver	3	✓	
47	Failure to observe rank discipline	3	✓	
48	Failure to display fare/tariff card in vehicle	3	✓	✓
49	Failure to display passenger notice in vehicle	3	✓	✓
50	Misleading use of the words "Taxi" or "Cab" on advertising materials	3		✓
51	Failure to maintain records in a suitable form from the commencement to the cessation of work of each driver each day	3		✓
52	Failure to produce on request records of drivers work activity	3		✓
53	Failure to maintain proper records of Private Hire vehicle within 21 days	3		✓
54	Unlawful waiting or stopping on a double yellow area, bus stop or private land (without the owner's permission)	3	✓	

Ticks indicate potential recipients of penalty points for infringements. N.B certain infringements may result in drivers, proprietors or operators receiving penalty points. Points may be awarded to one or several persons depending upon the nature of the infringement; however, each case must be determined on its own merits. Certain matters are specific to hackney carriages, private hire drivers or private hire operators.

DRAFT

APPLICATION GUIDANCE

DRAFT

Application Guidance

This guidance includes information in respect of new drivers, renewal drivers and licensing a vehicle to be used as a private hire or a hackney carriage.

6.1 New Drivers

This guidance should be used by anyone wishing to obtain a dual hackney carriage/private hire vehicle driver's licence which will enable them to drive a hackney carriage vehicle or private hire vehicle licensed with the district of North West Leicestershire. The licence is valid for three years.

To be able to apply for a licence, you must be;

- Able to read and write
- Have held a full driving licence (not a provisional) for at least 12 months
- Have a good knowledge of the district of North West Leicestershire and surrounding areas
- You must be a fit and proper person
- Have the right to work in the UK.

6.2 National Register of Taxi Licence Refusals and Revocations (NR3)

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 (PHV) licence revoked, or an application for one refused. This is necessary 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 PHV licence

Therefore:

- Where a hackney carriage/ PHV licence is revoked, or an application for one refused, the authority will automatically record this decision on NR3.
- All applications for a new licence or licence renewal will automatically be checked on NR3. If a search of NR3 indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3 search will only be used in respect of the specific license application and will not be retained beyond the determination of that application.

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

Information will be retained on NR3 for a period of 25 years.

This is a mandatory part of applying for/being granted, a hackney carriage / PHV driver licence

Information will be processed in accordance with the Data Protection Act (DPA) and General Data Protection Regulations (GDPR). Any searches, provision, or receipt of information of or under NR3 are necessary to the 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.

If you wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the GDPR, you can do so to the authority's Data Protection Officer.

You always have the right to make a complaint to the Information Commissioner's Office (ICO). Advice on how to raise a concern about handling of data can be found on the ICO's website at <https://ico.org.uk/>

6.3 Knowledge Test -Guidance and Best Practice for Hackney Carriage/Private Hire Drivers Licence

In order to determine fitness to hold a licence, applicants for a driver's licence are required to pass a knowledge test. The purpose of this test is to make sure that all applicants have a satisfactory knowledge of the district of North West Leicestershire and surrounding areas, places of public interest and entertainment, major destinations such as hospitals, supermarkets etc. and the routes to nearby villages. Drivers will also be tested on their knowledge of the law, safeguarding, disability awareness, highway code, Councils licensing policy and conditions, together with customer care, basic numeracy, and the ability to read, understand and write English.

All new applicants for a private hire driver licence or dual driver licence and holders of a private hire driver licence wishing to become a dual licence holder are required to pass the knowledge test prior to submitting an online application form.

Details on how to make a booking for a knowledge test including our payment and refund policy can be found on the licensing web pages:

https://www.nwleics.gov.uk/pages/knowledge_test

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

Should an applicant have a disability and require reasonable adjustments, they are asked to make the Council aware when booking the test. Where an applicant has requested reasonable adjustments, the adjustment made must be relative to the applicant's disability.

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.

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 and changes in law and policy.

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 safeguarding / disability awareness
- (g) 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 25 questions for dual driver applicants and 20 questions for private hire applicants.

Pass Mark

Dual driver licence – A total score of 20 achieving a minimum score of 4 in each of the 5 sections (c,d,e,f,g)

Private hire driver licence – A total score of 16 achieving a minimum score of 4 in each of the 4 sections (c,d,e,f)

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.

Should you not pass after three attempts you will be required to wait at least 6 months (from the date of the most recent failure) before being permitted to re-take the knowledge test.

Once an applicant passes the knowledge test they will receive confirmation of the pass result, valid for 2 years from the date of the test. The driver must be granted within 2 years of the date of the test.

Best Practice/Advisory Notes for the Knowledge Test

Private hire vehicles must be booked via an operator. A private hire vehicle driver is not allowed to use his radio to book a customer a private hire vehicle. All bookings must go through the operator base and be made by the actual person wishing to hire the private hire vehicle.

Should you lose or misplace your hackney carriage/private hire driver's licence or your vehicle licence you need to report the loss to the Council's licensing team immediately and purchase a replacement.

Your **DBS** Check is required to be checked every 6 months once you are a licensed hackney carriage/private hire driver.

Subscription to the DBS Update service is strongly recommended as the most efficient means of renewing a licence.

The Council does accept criminal record checks from other organisational bodies, such as Leicester City, provided they are the original Enhanced and no more than 3 months old and have been processed in relation to the child and adult workforce employment position (as specified on the disclosure).

You cannot carry more passengers in the vehicle than the number specified on your vehicle licence plate and licence.

Before starting work a driver should check that the vehicle, they are driving is safe; tyres, lights, seats, general maintenance, oil, windscreen wipers, wash fluid and that the vehicle is carrying all the required items under the hackney carriage/private hire vehicle policy.

The driver should also check that they have their combined hackney carriage / private hire driver's licence badges with them and that it is displayed at all times.

A hackney carriage cannot charge more than the metered fare for a journey within the borough irrespective of how that was arranged (rank, hailed or pre-booked).

Before the start of a hiring for a journey which ends outside the district agreement can be made to pay an amount which is more than the metered fare but if no agreement is made only the metered fare can be charged.

Hackney carriage drivers, can when working, offer a discount on the metered fare (within or outside the district) as long as it is less than the hackney tariff set by North West Leicestershire District Council.

Only a North West Leicestershire District Council licensed hackney carriage/private hire vehicle driver can drive NWLDC licensed vehicle.

As the driver of the vehicle, you are responsible for securing a wheelchair passenger in a licensed vehicle.

Customer Care

When carrying a disabled passenger, one of the most important things to do, is talk to your passenger to find out if any assistance is needed and if yes, provide it to the best of your ability.

If another motorist cuts across your path forcing you to brake, whilst carrying a passenger, the first action you should take is check that your passenger is safe and all right.

If a passenger requests a receipt you should write on the receipt, name of business, date, fare, where to and from and your signature as driver before handing it to them.

You should not carry a wheelchair in a hackney carriage vehicle sideways. 'Medical Devices Agency' states wheelchair users should not travel with the wheelchair sideways.

When you have a wheelchair passenger on board your licensed vehicle you should drive smoothly and progressively, avoiding sharp cornering, hard braking, and sudden acceleration.

If you are requested to pick up a person from their home, on arrival, you should go to their door, as they may have hearing difficulties, mobility problems or be elderly and require your assistance.

If you arrive at your next pick up and you see that the passenger is in a wheelchair, which will not fit in your vehicle, you need to explain the situation to the passenger, contact your operator and request that a larger vehicle be sent as soon as possible. If a suitable vehicle is not available, the operator will need to contact another operator and see if they have a suitable vehicle available.

You have taken your passenger by the most direct route to their destination and when you request the fare, the passenger states that they think you have overcharged them. You must assure the passenger that this is the correct fare by showing them the meter, ask for the fare to be paid and provide them with contact details of your operator and licensing authority should they wish to complain.

You have a booking in the next 10 minutes from a home address and due to heavy traffic, you are likely to be late. You should contact your operator and advise them that you are going to be late and request they contact the customer and advise them of the facts.

Your next pick up is from a customer's house. You arrive at the house, and it is in darkness and looks empty, what should you do? You should park the vehicle, go to the house, and knock and wait for an answer.

You arrive at your pick up to discover that there are 5 passengers whilst your vehicle is only licensed for 4, what should you do? You should explain the situation to your passengers that your vehicle is only licensed for 4 and offer to call for a larger vehicle or a second vehicle from your operator. Contact your operator and explain the situation to them.

6.4 Practical Driving Test

There are two current providers for the practical driving test

1. 'Blue Lamp Trust (Services) Ltd 'who for enquiries, can be contacted on 0333 700 0157. Please follow this link:

https://www.bluelamptrust.org.uk/taxi_homepage/

2. 'iamroadsmart' who for enquiries, can be contacted on 0870 120 2910 Please follow this link:

<http://www.iamroadsmart.com>

A summary of the requirements of the test are;

- an hour in length,
- consist of a question-and-answer section.
- involves a practical driving test, which will include specific manoeuvres.
- Proof of identification documents and your DVLA driving licence
- Eyesight test.
- Cost is paid by the driver and applicants deal directly with the provider.

The certificate received from the practical driving assessor will be deemed valid for 12 months from the date of passing. This can be uploaded via the Councils web site.

6.5 DBS Update service

The DBS update Service is an online subscription that allows individuals to keep their enhanced DBS certificate up to date and allows regulators to check a certificate online. This subscription service allows taxi and private hire drivers licensing authorities (as a nominee with the individuals written consent) to check the status of a certificate online at any time. Subscription to the service removes the need for repeat checks, reduces the administrative burden, and mitigates potential delays in re-licensing. This costs less than a new DBS check and allows the Council to carry out the check immediately.

It is strongly recommended that you subscribe to the DBS update service. If you choose not to subscribe to the DBS update service, you will be required to apply for a DBS every 6 months.

All new and renewing drivers choosing to enrol on the DBS update service **MUST** enrol **within 30 days** of the date of their disclosure certificate.

The licence may be suspended or not renewed unless the licensing section has the means of checking for criminal activity – convicted or otherwise.

6.6 Certificate of Good Conduct (residency outside the UK)

Because of the potential lifetime relevance for some of the most serious offences mentioned in this policy, the Council will need to ensure that sufficient background checks are conducted for those applicants that have lived overseas. This is in addition to the Enhanced DBS requirement.

Any driver who has lived abroad will be required to provide a Certificate of Good

Conduct from the embassy of every country where they have lived other than the UK (after the age of 10 years old) which must be no older than 3 months at time of presentation. The Certificate of Good Conduct must be translated into English at the applicants own cost.

A licence will not be granted or renewed in the absence of a current Certificate of Good Conduct.

Where a person has spent three months or more, on active service, or any similar deployments abroad as a member of the British Armed Forces, then they will be exempt from the requirement to provide a Certificate of Good Conduct but will require a reference from a commanding officer authorised to provide the same.

If an existing driver has spent three continuous months (or more) living or on holiday overseas, the Council will need to see evidence of a criminal record check from the country / countries visited, covering the period that the applicant was overseas.

6.7 Safeguarding Awareness Training

Every driver must have a minimum level of knowledge prior to being issued with a driver's licence. This will be assessed through the safeguarding awareness section of the knowledge test.

In addition to sitting the knowledge test every driver **must** undergo safeguarding vulnerable passenger training and disability awareness training within 12 months of being issued with a driver's licence. Further information including the link by which to access the course is available on the licensing pages of the Councils website.

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.

The course aims to provide Taxi and Private Hire drivers with a knowledge and understanding of Safeguarding, their responsibilities and best practice protocols. The candidate will be able to;

- Understand what is meant by the term 'Safeguarding.'
- Identify adults at risk and other vulnerable people.
- Understand what is meant by child sexual and criminal exploitation, human trafficking, modern slavery and domestic abuse.
- Recognise types of abuse, associated signs, and indicators.
- Identify suspicious activities.
- Know how, and to whom, they can report concerns.
- Understand their safeguarding responsibilities and best practice protocols.

Where an applicant, has undertaken a similar safeguarding awareness training course,

written details must be provided of the course, along with written confirmation of attendance. The licensing team will consider the contents of both courses and whether the completed course is an acceptable alternative.

It is important that drivers retain the knowledge learned from the training attended in the first 12 months of being licensed. Every driver will be provided with a safeguarding essentials briefing card which should be kept within the vehicle. At the time of renewal drivers are required to declare that they have read and understood the information contained on the card.

6.8 Medical

The medical certificate must be produced to the Council. Should the medical certificate be returned to the GP due to an error the licensing team will notify you. It is your responsibility to ensure that a correct medical certificate is resubmitted in a timely manner to complete your application. Such certification must be less than three months old.

Holders of a Public Service Vehicle (PSV) and / or Large Goods Vehicle (LGV) Licence, where the holder is able to produce proof of a current medical examination, less than 3 months old, which has been completed with their own doctor can use the same medical examination for his hackney carriage/private hire licence

If there is any doubt that a driver remains medically fit, the Council may require the applicant to undergo further medical examination at the applicant's own expense.

No licence shall be issued until medical clearance has been established.

A licence application will not be accepted / processed unless all elements of the application process have been completed.

Insulin Treated Diabetes

You are reminded that a licensed driver is responsible for informing the licensing team of any changes to their health, which includes diabetes. The group two medical form currently asks if a driver is treated with tablets carrying hypoglycemia risk or insulin injections.

If diagnosed as requiring treatment by injected insulin or tablets, carrying hypoglycaemia risk, the driver will need to inform the Council as soon as possible and provide written confirmation (in addition to this medical report) from their doctor or diabetic nurse/consultant of;

- the date of being diagnosed;
- that there has not been any severe hypoglycaemic event in the previous 12 months (the law defines 'severe' as an episode of hypoglycaemia requiring the assistance of another person);
- the driver has full hypoglycaemic awareness;

- the driver must show adequate control of the condition by regular blood glucose monitoring (must use a glucose meter with sufficient memory to store 3 months of readings), at least twice daily and at times relevant to driving;
- the driver must demonstrate an understanding of the risks of hypoglycaemia and
- there are no other declaring complications of diabetes.

Licensees diagnosed as requiring treatment by insulin, or tablets carrying hypoglycaemia risk, will be required to submit to the Council on an **annual basis** the following;

A medical report/letter from their doctor or diabetic nurse/consultant confirming;

- (a) that during the preceding 12 months the licensee has not suffered a hypoglycaemic episode requiring assistance whilst driving and
- (b) the licensee has a history of responsible diabetic control and is at minimal risk of a hypoglycemic attack.

6.9 Renewal Applications for Drivers

A driver's licence is valid for 3 years. Approximately 3 months prior to expiry a renewal notification and reminder will be sent.

Drivers Licences

Application forms, supporting documents and appropriate fees must be submitted at **least 10 working days** prior to the expiry of the previous licence.

To ensure that you are able to provide your DBS Certificate, if you are not subscribed to the update service, you need to apply for your Disclosure Barring Service Certificate at **least 6 weeks** before your licence renewal is due.

A licence will not be renewed without all supporting documentation being received and satisfying the requirements of this policy.

If a licence has not been issued at the point when an existing licence expires, the licence holder must cease operating until the new licence has been issued and received. Any subsequent application will be treated as a new application and drivers will be required to meet the standards required of a new driver, including complete knowledge test.

For the latest information on applying for a driver licence please visit our website [Driver Licence - North West Leicestershire District Council \(nwleics.gov.uk\)](http://nwleics.gov.uk)

DVLA Licence

You need to provide your full driving licence (not a provisional licence) **each time you renew**. A copy of this licence will be taken on each renewal application, and you will be asked to complete and submit the DVLA data protection mandate and consent.

DVLA / DBS – Data Protection Mandate

This form is to be completed by an applicant, to confirm their entitlement to drive. It must be filled in and signed in all cases by the driver.

Forms not completed correctly or not signed will not be accepted and may delay your application.

Payment of the appropriate fee will need to be paid at the time of initial submission.

The DVLA Mandate gives consent to the Council to check the applicant's driving licence & DBS record for three years.

With effect from the introduction of this policy, the Licensing team will check the applicants DVLA record annually and the DBS every 6 months.

Disclosure and Barring Service (DBS)

See paragraph 6.5

DRAFT