



Hackney Carriage and Private Hire Policy

Local Government (Miscellaneous Provisions) Act 1976

<https://www.threerivers.gov.uk/egcl-page/licensing>

Adopted on.....
Effective from.....

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1. Definitions

For the purpose of this policy -

Authorised officer shall mean any officer within the Council authorised by the Council's scheme of delegations

The Council shall mean Three Rivers District Council.

Hirer shall mean any person or persons who from time-to-time hires or books the vehicle.

Licensee(s) shall mean the person(s) named in the licence.

Operator shall mean a person holding a licence to operate private hire vehicles issued pursuant to Section 55 of the Local Government (Miscellaneous Provisions) Act 1976. A private hire operator's licence is required to enable a person to accept or invite bookings for private hire vehicles

Working day any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom

Additional Periods This is an amount of time after the length of a criminal sentence that needs to expire before we would consider making a licensing decision about an applicant. For example, someone's length of sentence for robbery may be two years, but they only serve six months' imprisonment. We would not consider that person fit and proper for those two years and for an additional period of three years (that is, five years in total from the date of conviction). **The additional periods are set out in 23 of the policy below.**

Free of conviction shall mean from the date the applicant was convicted. If the incident did not amount to a criminal offence or is not to be prosecuted, then the relevant date will be the date of the incident.

Offence shall mean any criminal offence and/or any other behaviour including a civil penalty which brings into question whether the applicant is a fit and proper person.

In this policy, conviction shall mean a criminal conviction or a civil penalty. However if the applicant is on trial, is not to be convicted or the incident did not amount to a criminal offence, the suggested periods free from convictions shall be considered by the Council when making their decision, taking all the evidence before them into account.

Caution an admission of guilt is required before a caution can be issued. Accordingly cautions will be assessed in the same way as a conviction by the court.

2. Introduction

This policy has been produced pursuant to the powers conferred by the Local Government (Miscellaneous Provisions) Act 1976 and Town and Police Clauses Act 147 which places the duty on the Council to carry out licensing functions in respect of hackney carriage and private hire vehicle, drivers and operators. In carrying out its said regulatory licensing functions, the Council will have regard to this policy document. Where it is necessary for the Council to depart from this policy, clear reasons will be given for doing so.

Following consultation and adoption by the Council, this policy shall be kept under review and revised as necessary. The Head of Regulatory Services is authorised to make minor amendments to the policy. In addition, amendments to this policy may be authorised without consultation by the Council.

The policy refers to guidance that is available to applicants, drivers and operators and proprietors to assist them with the application processes and the running of the service. This guidance, application forms and current fees are available on the Council's Website. Before granting or renewing a licence we must be satisfied that the applicant is a "fit and proper person" to hold a licence, as set out in sections 51, 55 and 59 of the 1976 Act. This policy sets out how we decide not only whether an applicant is fit and proper when applying for a licence, but to assess whether they remain so once a licence has been issued.

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

- Applicants for a driver's licence
- Existing licensed drivers whose licences are being reviewed / renewed
- Licensing officers
- Members of the Regulatory Services committee/sub-committee
- Magistrates and Judges hearing appeals against local authority decisions

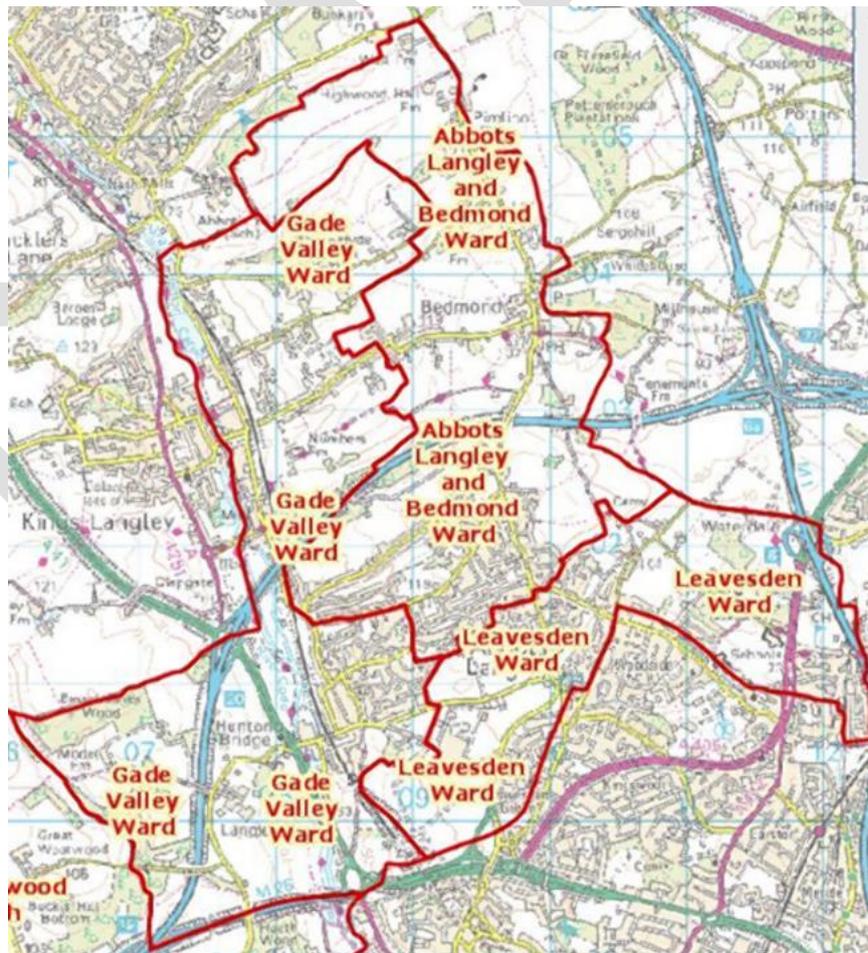
This policy provides guidance to all parties on the criteria that will be taken into account when determining whether or not an applicant or an existing licence-holder is a fit and proper person to hold a hackney carriage and/or Private Hire Driver or Operator Licence. Whilst criminal convictions play a significant part in the Licensing Authority's determination on whether an individual is fit and proper or not, the Council will also take into account other factors such as demeanour, general character, non-criminal behaviour, driving abilities, and police information etc.

The term "Fit and Proper" for the purposes of taxi and private hire licensing is not legally defined but it has also been described as "safe and suitable" in a number of court cases.

3. Background

3.1. Hackney carriage and private hire vehicles have a distinct role to play in an integrated transport system. They are able to provide services in situations where public transport is either not available (for example in rural areas, or outside "normal" hours of operation such as in the evenings or on Sundays), and/or for those with mobility difficulties.

3.1 Three Rivers District Council Boundary



3.2 Practice, guidance & legislation

The Department for Transport (DfT) has national responsibility for hackney carriage and private hire legislation in England and Wales. As a result of the Office of Fair Trading producing a report on the UK hackney carriage and private hire trade, the DfT was asked to produce best practice guidance for local licensing authorities. The latest guidance was issued in March 2010 entitled 'Taxi and Private Hire Vehicle Licensing: Best Practice Guidance'¹ and represents examples of good or best practice from within England and Wales. However, the document recognises that licensing authorities may reach their own decisions both on overall policies and on individual licensing matters in the light of their own circumstances.

The Council has therefore taken account of the DfT guidance to develop this policy.

This policy also takes account of the legislative basis of the Council's taxi licensing powers, including those contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, the Immigration Act 2016 as amended.

3.3 Equality Act 2010

In addition, the Equality Act 2010 has implications for both hackney carriage and private hire operators and drivers in respect of disabled access to vehicles.

3.4. Duties to assist passengers in wheelchairs

3.4.1 General

Section 165 places a duty on a driver of designated wheelchair accessible hackney carriages and private hire vehicles. The duties are:

- To convey 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 take such steps as are necessary to ensure that the passenger is conveyed in safety and reasonable comfort; and
- To give the passenger such mobility assistance as is reasonably required to enable the passenger to get in or out of the vehicle and to secure/convey the wheelchair as appropriate.

Section 167 of the Equality Act² allows licensing authorities to maintain a list of "designated vehicles", that is, a list of wheelchair-accessible hackney carriages and private hire vehicles licensed in their area. The consequence of being on this list is that the driver must undertake the duties in section 165.

Following the full commencement of sections 165 and 167 of the Equality Act 2010 on 6th April 2017, the Council will maintain a statutory list of wheelchair-accessible vehicles (i.e. designated vehicles).

Accordingly, drivers of these vehicles are required to carry passengers in wheelchairs, provide assistance to those passengers, and prohibits them from charging extra to do so.

3.4.2. Policy on exempting drivers on medical and physical condition grounds

The requirements of Section 165 of the Equality Act 2010 do not apply to drivers who are issued with a medical exemption certificate who display the prescribed notice in their vehicle.

Generally, the Council will seek to consider the contents of a driver's medical questionnaire when a driver requests to be granted the required exemption. However, where there is doubt as to the ability of the driver to assist passengers in wheelchairs, the Council may require the driver to obtain a more detailed report from their registered GP, confirming that the driver is not able to provide this service and should be granted an exemption certificate. Any charges associated with additional GP reports must be met by the driver and will not be reimbursed by the Council.

3.5. Guide dogs and assistance dogs (sections 168 to 171 of Equality Act 2010)

¹ https://www.gov.uk/search?q=taxi+and+Private+hire+Licensing&show_organisations_filter=true

² http://www.opsi.gov.uk/acts/acts2010/ukpga_20100015_en_1

Councils are able to issue certificates to drivers who are exempt by their doctors under strict medical grounds from the duty to carry guide and assistance dogs. Exemption certificates will only be issued when written requirement for this exemption is provided by the driver's registered GP practice.

There is [comprehensive guidance issued by the DfT](#) in 2010 about the duties to carry guide and assistance dogs and the procedure for granting medical exemptions etc.

3.6. Immigration Act 2016

The Immigration Act 2016 requires 'right to work' checks to be carried out on any applicant applying for a new or renewal of a hackney carriage driver's licence, private hire driver's licence or operator's licence. Where a right to work is indefinite, this check is only required once; where it is time limited, licences may only be granted for that period and a further check is required when the existing right to work expires.

4. Policy aims & objectives

4.1 Objectives

- the protection of the public
- the maintenance of a professional and respected hackney carriage and private hire trade
- access to an efficient and effective local transport service
- the protection of our local environment
- To support small businesses by ensuring a consistent and fair approach.

4.2 Aims

The Council will aim to achieve these objectives in the following ways:

- by ensuring that licensed vehicles do not give rise to a risk to passenger safety
- by ensuring that licensed drivers are fit and proper persons and achieve as high a standard of good practice as is possible
- by ensuring that licensed vehicles meet emissions standards and encouraging the use of low polluting vehicles
- by encouraging the use of vehicles that are more accessible to persons who have disabilities
- by ensuring that licensed vehicles are comfortable and properly insured
- by liaising with the County Council highways department to encourage that taxis and private hire vehicles form part of the wider strategic transport and local transport plans
- by working in partnership with a variety of other agencies to support the Council's objective in relation to both the public and the trade
- by reducing the frequency with which licence-holders are required to attend the Council offices
- by ensuring online accessibility to allow remote application by new and existing licence-holders
- by utilising electronic and mobile communication methods including the use of SMS messaging and extranet sites.

4.3 Methods

The methods to be employed will include:

- work with the taxi and hackney carriage trade to deliver ongoing improvements, innovate, and deal with emerging issues
- setting the standards for the licensing of vehicles, drivers and operators
- annual licensing and routine inspection of vehicles, with appropriate follow-up action
- routine inspection of documents, with appropriate follow-up action
- routine checks of a driver's medical fitness and criminal record history during the time the licence is in force and knowledge of the district, highway code and licensing policy as well as driving ability (at the time of application)
- investigation of complaints with appropriate follow-up action
- liaison with Hertfordshire Constabulary, neighbouring local authorities and other agencies concerning issues of mutual concern
- prosecution, monitoring of contraventions, suspension or revocation of licences for breach of conditions or legislation
- proper training and development of Council officers
- continue to meet ongoing performance and efficiency targets for the service
- provision of information to licensees about good practice and what to expect of any inspecting officer
- promote the use of training/courses for licensees,
- provide mandatory training when it is considered appropriate to do so
- promotional activities to inform and encourage and maintain high standards.

In seeking to meet these aims the Council will actively cooperate, assist and seek advice from agencies including:

- Hertfordshire Constabulary
- Driver and Vehicle Standards Agency
- Herts County Council
- Other local authorities
- Town and Parish Councils
- Three Rivers Railways and London underground
- Disclosure and Barring Service
- Department for Transport
- Driving and Vehicle Licensing Agency
- Home Office
- Department for Work and Pensions
- Other relevant agencies and departments.

5. Uniformity

The authority acknowledges the need to act in a consistent and uniform manner and advocates a common-sense approach to the selection of enforcement action and activities.

The following areas are all considered important in achieving uniformity:

- the awareness of and adherence to this policy
- training, qualifications and supervision of staff and training for Members
- regular practical training and update sessions to ensure uniformity.
- use of joint training initiatives with other authorities will also be undertaken
- the ongoing monitoring and auditing of licence-holders, testing stations, and activities
- liaising with other enforcement agencies, adjoining authorities and trade bodies.
- compliance with relevant codes of practice/circulars (where not inconsistent with this policy).

6. Administration of licences

Applications for licences will only be validated and then determined when all documents and fee (as applicable) are received, as stated within this policy.

The Council will always aim to produce licences as promptly as possible. Applications will normally be considered within 28 days of validation and, depending on circumstances, an application can then be granted, refused or deferred.

7. General fees guidance

In the event of an application not leading to the issue of a licence, a refund will be provided. Other costs incurred by an applicant such as the cost of any medical and DSA test and criminal record check (paid directly to the provider) or knowledge test will not be reimbursed.

In the event of a licensed driver or operator surrendering their licence before its expiry, no refund will be provided.

Where the surrender is as a result of illness certified to the Council by a registered medical practitioner, a pro rata refund shall be payable for the remaining full months of the licence.

All licence fees must be paid by credit/debit card.

8. Service standards

Subject to amendment from time to time by the Head of Regulatory Services it is the intention of the Council to offer the following service levels:

You are able to contact the customer service team by email, through the website, or by phone who will take your enquiry and details of which will be passed to the appropriate member of the licensing team. This process is to reduce the need for licence-holders to travel to the council offices and to allow the team to deal with enquiries as effectively as possible.

The customer services team can be contacted by phone from 8:30am to 5:30pm, Monday to Thursday and 8:30 to 5:00pm on Fridays (excluding Bank Holidays) and can be contacted on 01923 776611.

The One Stop Shop is open for visitors from 8.30am to 5.00pm, Monday to Thursday, 8.30am to 4:30pm Fridays (excluding Bank Holidays) at Three Rivers House, Northway Rickmansworth WD3 1RL. Drivers can e-mail general enquiries to: enquiries@threerivers.gov.uk or licensing.team@threerivers.gov.uk

Although the Council has 28 days to issue a licence upon receipt of a valid application, the Licensing section will strive to:-

- Issue a private hire driver/hackney carriage driver licence as promptly as possible and usually within 7 working days of the application being validated
- Issue a private hire/hackney carriage vehicle licence as promptly as possible and usually within 7 working days of the date of receipt of a complete and valid application
- issue change of vehicle licences as promptly as possible and usually within 2 working days of the application being validated.

9. Notification of decisions

Any notice required to be served by the Council under this licence or under any of the provisions of the Local Government (Miscellaneous Provisions) Act 1976 shall be deemed to have been properly served if sent by pre-paid post to, or left at the last known address of, the holder of the licence. Notices may also be served by email and will be deemed served on the individual once sent

10. Monitoring

All documents will be checked for authenticity when submitted. Routine random checks will also occur throughout the year. In addition, visits will be made both to the ranks and to regular trade pick up points to check compliance. Checks of proprietor and operator documents and records will also be made and Taxi ranks/stands and other frequented locations will also be conducted.

The Council will also work in partnership with other agencies and neighbouring authorities to undertake compliance and enforcement activities.

All complaints against licence-holders will be monitored and investigated and action taken in line with this policy as appropriate

11. Records

An up to date electronic record will be kept and maintained of all application details, fees paid, deposits and licences issued, together with the public registers as required by law.

12. Data protection

All information held on files and databases about an applicant is confidential, under the Data Protection Act 1998. However, the Council is under a duty to protect the public and to protect the public funds it administers, and to this end may use any information provided by an applicant within this authority. The Council is under a duty to maintain Public Registers in accordance with the legislative requirements and all registers will be maintained on line through the Council's Licensing Public Register.

For the purposes of crime prevention, and with the purpose of protecting the public and/or protecting public funds, we may also share any information held with other bodies responsible for public functions, where there is a legal basis or a legal obligation to do so. For the most recent Council policy please visit <https://www.threerivers.gov.uk/privacy-notice>

13. Safeguarding

13.1 General

The Council is committed to ensuring the safety and welfare of all vulnerable persons including children and young people, to whom we provide services directly or indirectly and with whom we come into contact.

Drivers are on the frontline, often coming into contact with people who may be vulnerable, for example because they are young, have learning difficulties, be suffering ill health, or be elderly or who have drunk to excess on a night out, or who may have taken an illegal substance. Such persons may be travelling alone or accompanied by another person.

Sadly there are persons who prey on precisely these people and drivers are often best placed to raise concerns over what they hear or see occurring whilst in their vehicles.

Drivers may also have concerns over the vulnerability of passengers who are being dropped off at locations in or out of the district. For example drivers in other authorities have reported concerns that young persons are being dropped off at a particular guest house, hotel or house and are either distressed before being dropped off or after they have been picked up as a fare-paying passenger.

Information is provided on the Council's website in relation to safeguarding and applicants and licensees have a duty to report matters if they suspect harm. <https://www.threerivers.gov.uk/service/safeguarding>

13.2 When you have concerns regarding a child

If you are worried about a young person, you must do something.

There are specialists who can advise you on what to do next. They can also talk to any young person themselves.

If you are concerned about a young person you can contact the Hertfordshire Safeguarding Children Board on **0300 123 4043** or email:

www.hertfordshire.gov.uk/services/childrens-social-care/child-protection/report-child-protection-concern.aspx if you think a child or young person is in immediate danger call 999.

13.3 When you have concerns regarding an adult

If you need to speak to someone urgently about a vulnerable adult:

- Report abuse to Hertfordshire Safeguarding Adults Board: 0300 123 4042 or dial: 999
- Speak to the adult social care team: 01438 84455
- Outside office hours: Complete the online form using the link below.

For up to date information you should visit the safeguarding section of the Hertfordshire County Council website: <https://www.hertfordshire.gov.uk/services/adult-social-services/report-a-concern-about-an-adult/report-a-concern-about-an-adult.aspx>

14. Abuse of Drivers by members of the public

The Council strongly disapproves of any form of abuse, discriminatory or otherwise, directed at drivers by members of the public. However, the Council is not the appropriate authority to investigate such incidents unless these form part of a counter-allegation following a complaint about a driver, in which case information will be obtained from all parties prior to a decision being made on the appropriate action for the Council to take. Incidents of this nature should be reported to the Police via 101 so that they can be investigated. The Council will assist the Police with regards to such investigations as far as possible.

15. Powers

We have powers in sections 61 and 62 of the Local Government (Miscellaneous Provisions) Act 1976 (as amended) (the 1976 Act) to:

- suspend
- revoke
- refuse to renew

licences of applicants who have:

- lost their right to work in the UK
- been convicted of an offence involving dishonesty, indecency or violence
- failed to comply with the provisions of part II of the 1976 Act
- failed to comply with the provisions of the Town Police Clauses Act 1847 or
- given the Council any other reasonable cause to act.

16. Hackney Carriage and Private Hire Drivers

Only applicants who comply with the requirements and conditions relating to the licensing of private hire drivers or hackney carriage drivers will be licensed.

Existing drivers must comply with the conditions of their licence, this policy and any relevant legislation during the period of their licence. Failure to do so will result in the consideration of the various sanctions outlined in this policy.

All new applicants are required to pass a specialist driving test as part of their application. Existing drivers who have not passed a driving test as prescribed by the Council will only be permitted to carry up to 4 passengers. This will be stipulated on their licence. Existing drivers are entitled to take the specialist driving test at any time and once passed will be issued a badge permitting 8 passengers, at no additional cost on production of their certificate.

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

16.1. Fit and proper person – information required for an assessment to be made

To prove that a person is a fit and proper person to hold a hackney carriage or a private hire driver’s licence or dual licence they must provide evidence of:

- Driving standard – through a specialised test driving test supplied by a Council-approved provider (details available on request)
- Medical fitness – on the Council’s prescribed form, signed by the applicant’s GP or medical practitioner
- Criminal history and behaviour – through an enhanced DBS check
- Knowledge of the local area, highway code, legislation and requirements relating to a hackney carriage and private hire and the Council’s policy in the form of a ‘knowledge test’ designed by the Council
- Two references as to their character and reliability.

Details of the above will be obtained and considered at the time of application, together with any other relevant information. Drivers will be required to maintain their ability to be fit and proper persons whilst licensed and must report any driving offences, changes to medical condition, civil or criminal offences for which they have been interviewed or charged.

If the Council suspects that a driver may have fallen short of the standards required, the Council may need to conduct further enquiries to verify any information provided or the fitness of a person to hold a licence. By submitting an application for a licence or holding a licence applicants gives their consent to the release of data where necessary.

Any applicant subsequently found to have provided false information will be dealt with in accordance with the provisions of this policy.

16.2. Driving standard and knowledge

The following requirements must both be demonstrated to establish whether a person’s driving standards are acceptable:

- A valid full EU (UK) driver’s licence driver’s licence has been held for three years prior to application, and
- Drivers pass a specialised driving test supplied by a Council-approved provider (details available on request) prior to application to ensure they are aware of the hazards of driving. The requirement to take a driving course helps ensure an acceptable standard of driving. The applicant must provide before their application can be validated a signed copy of the assessment pass certificate which must be current at the time it is submitted.

Through the online knowledge test assessment, drivers will be tested on their knowledge of the local area. In addition, drivers will be tested on policy, related law, customer awareness, and elements of the Highway Code. The test is computerised and is conducted in the Council offices. An application cannot be validated unless the applicant has passed the appropriate knowledge test. Applicants taking the test may not receive assistance from a third party.

Drivers must present themselves in a professional manner and have good personal hygiene. Drivers will be expected to wear collared shirt, collared polo shirts or collared blouses which have a full body and short or long sleeves as well as smart long legged trousers (no denim), knee length tailored shorts, knee length skirts or dresses.

Unacceptable examples of clothing or footwear include items which are unclean or damaged, clothing printed with words, logos or graphics which might offend, clothing intended to support any political party, pressure group or other organisation designed to provoke discrimination or objection, sports replica shirts

e.g. football, rugby or cricket tops or track suits, beach-type footwear (e.g. flip-flops or mules), high heels, the wearing of hoods or other clothing that obscures the driver's vision or their identity, sports shorts or swimming trunks, and showing a bare chest.

Drivers must conduct themselves in a professional manner and collections should be punctual, drivers polite and knowledgeable of local routes, and vehicles kept clean and operated in accordance with conditions, byelaws and legislative requirements. Hackney drivers should only charge the meter rate or below.

Drivers must not initiate any dialogue of a "sexual" nature with a passenger including by telephone contact, social media, email or any other form of communication. Licensed drivers are not permitted to become involved "sexually", or have sexual contact with a passenger, whether consent is given or not and whether or not the vehicle is carrying a fare-paying passenger at the time.

16.3. Medical fitness

Drivers are not required to hold a Group 2, EU (UK) full driving licence, but they will have to demonstrate compliance with the medical standards for a Group 2 licence and will have to provide a medical certificate, or the Council's prescribed form to this effect; this should be no older than 3 months at the time of the application being completed.

All drivers are required to provide a certificate signed by their registered medical practitioner to declare whether or not they are physically fit to be the driver of a hackney carriage or private hire vehicle. A medical certificate must be submitted at first application, every 3 years up to 60 years of age, and annually thereafter.

Where an existing licensed hackney carriage driver applies to obtain a private hire licence, or vice versa, an additional medical will not be required.

The Council will have regard to the published Department of Transport "best practice" guidance (as updated from time to time) when considering the medical fitness of new applicants with insulin-dependent diabetes or existing licence-holders diagnosed with insulin-dependent diabetes during the duration of their licence. Where an applicant is insulin-dependent the Council will require annual medical certificates.

Where there is reasonable doubt over a driver's fitness, the Council will require the driver to undertake a medical examination by a registered medical practitioner at any time as specified by the Council or in accordance with DVLA guidelines

The applicant is responsible for the payment of all fees required for any medical examination.

Drivers must not drive a licensed vehicle if they are suffering from any disease or disability which would cause the licensed vehicle being driven by them to be a danger to the public. Drivers must ensure that they can, at all times, meet the eyesight requirements specified by the Department of Transport driving test.

Drivers must immediately notify the Council and their operator of any illness, injury or other impairment affecting their ability to drive.

16.4 Offender history and behaviour

When submitting an application for a licence to drive a hackney carriage and/or private hire vehicle, applicants must declare any criminal or civil cautions or convictions they may have, whether they are foreign or domestic.

Even those regarded as 'spent' under the Rehabilitation of Offenders Act 1974 must be declared.

In addition to this, applicants must notify us if they have been charged with an offence or have any pending prosecutions and if they have ever had a licence suspended, revoked or refused by another authority. Applicants must also advise the Council if they have withdrawn a hackney carriage or private hire application made to another authority, at any stage of the process.

Failure to declare convictions and/or cautions, or giving false information to obtain a licence is an offence and will be treated very seriously. Likewise, giving false information or withholding information to keep a

licence will be treated very seriously.

If an applicant has not been a resident in the UK for a period of five years, they will need to obtain a "certificate of good conduct" or similar document from the relevant embassy.

Applicants will also need to register with the Disclosure and Barring Update Service and providing consent to the Council carrying out a check with the Disclosure and Barring Update Service, which will disclose any cautions or convictions that they may have. Information received from the DBS will be treated in the strictest confidence and will be retained on manual and computer records for no longer than is deemed necessary.

Proof of identity is required in order to obtain the Data Barring Service enhanced disclosure. Applicants will be required to provide, amongst other documents, a birth certificate or valid passport, a copy of their EC full driving licence and two utility bills identifying their address. The full requirements are based on the DBS requirements in operation at the time of application and may therefore be varied by the service from time to time.

Applicants must provide a valid DBS enhanced disclosure certificate (that was issued within the last 3 months) and provide details of all convictions/cautions as part of the application.

Section 111 of the Local Government Act 1972 allows district councils to send the driver's application form to the Police, (or other authorised body) and request the chief officer's observations as to the applicant.

Where an existing driver has been interviewed, charged or convicted of an offence, or other relevant information comes to the attention of the Council (such as a caution or fixed penalty notice being issued) which brings into question whether the driver is still a fit and proper person to hold a driver's licence, action may be taken, as outlined in this policy (Section 20.).

The existence of a criminal record or disclosure of other information will not necessarily stop any person from gaining or keeping a licence. The decision will be based on the policy on criminal convictions and behaviour in sections 19 and 20 of this policy.

16.5 Suspension, refusal, revocation by another Council

If a new applicant has been suspended, refused or revoked by another Council, the licensing officer may refuse to issue a licence depending on the reason for the action already taken.

The Council shall also have a right to make enquiries of that other authority.

16.6 Dual driver's licences

As some individuals may wish to be able to carry out a combination of hackney and private hire work, the Council will provide a dual driver's licence to reduce the burden on the applicant. Dual licence-holders are required to comply with any conditions or byelaws that are relevant to the work they are carrying out at any time, which will be dependent on the licensed vehicle being used.

New applicants for dual licences will be required to obtain an additional qualification as part of the application process such as a relevant BTEC or NVQ.

16.7 Training

All drivers will be required to attend all mandatory training sessions organised by the Council. Failure to attend mandatory training sessions will constitute a breach of the Council's hackney carriage and private hire policy. At the first instance, contravention points will be issued; any subsequent failure to attend will result in further action being taken against the driver's licence.

16.8 National Register of Taxi Licence Refusals and Revocations

There is a new initiative which is to help strengthen hackney carriage and private Hire licensing for the benefit of both passengers and responsible hackney carriage and PHV drivers.

The Local Government Association (LGA), the representative body for local councils, has commissioned a new National Register of Taxi Licence Refusals and Revocations (NR3). The register will be hosted by the National Anti-Fraud Network (NAFN).

The intention of this is to prevent drivers who have had a hackney carriage or PHV licence revoked, or an application for one refused, going to another authority to dishonestly secure a licence by failing to disclose their previous licensing history.

Instances of drivers doing this in the past have undermined public confidence in the hackney carriage and PHV trade and licensing authorities. The purpose of the NR3 initiative is therefore to provide a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or PHV licence revoked or an application for one refused.

The development of NR3 has been welcomed by all sections of the taxi trade, safety groups and charities, the Department for Transport and by licensing authorities.

From 1 March 2019, the Council will begin using the NR3. This means that from that point:

- Applications for new hackney carriage/PHV licences and for renewals will be checked on the NR3
- Where an existing licence is revoked or an application for renewal or a new licence is refused, this will be recorded on NR3.

This Council, and other licensing authorities, will also be adding historic information on refusals and revocations of licences to the register. Historic data will not go back beyond the retention period of 25 years.

Any relevant data entered onto NR3 which relates to existing licence-holders may be considered as part of future renewal processes.

The information recorded on NR3 will be limited to your:

- name
- date of birth
- address and contact details
- national insurance number
- driving licence number
- decision taken
- the date of the decision
- the date decision was effective.

Information will be retained on NR3 for 25 years.

Where an applicant's details are flagged on NR3 during a search, this will be followed up separately between the authorities. Any such request in relation to your record will be responded to in accordance with the authority's published policy at the Council.

Licensing authorities will still be required to consider each application on its own merits, but the introduction of NR3 will help ensure that they are able to do so on the basis of all the information that is relevant to an application.

All data processing and sharing undertaken by this authority on the NR3, and with individual authorities in regard to entries on the NR3 will be undertaken in accordance with the Data Protection Act (DPA) and the General Data Protection Regulations (GDPR). The legal basis for processing this information is that it 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. 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 at Three Rivers District Council.

17. Private Hire Operator licences

17.1 Fit and proper person

Applicants for private hire operator licences are required to pass the private hire knowledge test.

With regard to criminal convictions/cautions, an operator is not an exempted profession under the

Rehabilitation of Offenders Act 1974; therefore only unspent convictions will be taken into consideration when determining whether an applicant is a fit and proper person. In assessing an application for an operator's licence, the policy on criminal convictions and behaviour in sections 19 and 20 of this policy will be referred to.

The decision whether to grant or refuse a licence will be based on whether the convictions/cautions were declared, the type of offences and the total number of convictions/cautions recorded against each individual applicant.

The overriding consideration in reaching a decision will be based on whether the operator (the individuals listed as licensees on the application) can fulfil their roles and run the company without posing any likely threat to the general safety of the public.

If a situation arises where an operator licence application from a registered company is likely to be refused solely on the declared convictions of one individual within the organisation, the application may still proceed if the applicant decides to withdraw the name of that individual from the licence application.

Accordingly, when submitting an application to be a registered private hire operator, you must declare any unspent cautions or convictions you may have, whether they are foreign or domestic. Failure to declare convictions and/or cautions or giving false information to obtain a licence is an offence and will be treated very seriously. Likewise giving false information or withholding information to keep a licence will be treated very seriously. If you have not been a resident in the UK for a period of five years, you will need to obtain a dated 'certificate of good conduct' or similar document from your relevant embassy.

Applicants will need to obtain a basic disclosure certificate which will reveal any unspent convictions or cautions. The Disclosure certificate, issued within the last 3 months, must be submitted with the application in order to validate it.

Where an existing operator has been charged or convicted of an offence, or other relevant information comes to the attention of the Council which brings into question whether the driver is still a fit and proper person to hold an operator's licence, action may be taken, as outlined in this policy

The existence of a criminal record or disclosure of other information will not necessarily stop a person from gaining or keeping a licence. The decision will be based on the policy on criminal convictions and behaviour on pages 19 and 20 of this policy, and in accordance with this section.

We will not accept disclosures obtained on behalf of another authority unless the applicant has signed up to the DBS Update Service and that the original DBS is for the appropriate workforce as defined by DBS guidelines.

17.2 Previous applications

If anyone named on an application has previously been refused an operator's licence or held an operator's licence which was suspended or revoked elsewhere, they will be expected to provide details of the refusal, suspension or revocation on their application.

17.3 Planning permission

All premises to be used as a private hire operator base or operations running from a residential address will require the appropriate planning consent or permitted development rights for that use class. All applicants must provide a certificate of lawfulness or planning consent in relation to the premises they intend to use.

17.4 Use of mobile applications

The use of mobile applications (apps) is becoming increasingly common for a wide range of uses, including many taxi companies and private hire operators. The Council supports the use of such innovation, which has many potential public safety benefits.

Apps must be approved by the Council prior to their use, and must not have a negative impact on public safety.

17.5 Training

All operators will be required to attend all mandatory training sessions organised by the Council. Failure to attend mandatory training sessions will constitute a breach of the Council's hackney carriage and private

hire policy. At the first instance, contravention points will be issued; any subsequent failure to attend will result in further action being taken against the operator's licence.

18 Hackney Carriage and Private Hire Vehicle Licences

18.1 Type of vehicle

The Transport Act 1985 allows licensing authorities to regulate vehicle standards. Circular 8/86 accompanying the Transport Act, states that authorities will wish to ensure that vehicles are mechanically sound, roadworthy and safe. The following will be applied:

- All newly licensed hackney carriage and private hire vehicles must, as a minimum, be categorised as M1 and meet Euro 5 standards for emissions.
- Any converted vehicles will be required to hold the appropriate low volume type approval certificate in the M classification or the enhanced single vehicle certificate together with the original M type approval.

18.2 Vehicle standards

All vehicles must have full vehicle type approval. The authorised testing stations listed are all permitted to undertake vehicle checks on behalf of the Council. In addition, an officer of the Council may require an additional test to be undertaken or the applicant to be directed to a specific testing garage in all cases at the expense of the applicant/licence-holder. The officer also retains the option to check any vehicle for standard of condition of appearance.

Only vehicles that comply with the requirements and conditions relating to private hire vehicles/hackney carriage vehicles or non-standard private hire vehicles will be licensed. The vehicle must remain in the condition as determined by those conditions throughout the licensed period. The Council shall refer to its enforcement policy when dealing with licensees who fail to comply with these conditions or relevant legislation.

18.3 Vehicle age policy

At the time a vehicle is first licensed (including changes of vehicles if not to a currently licensed vehicle), the vehicle must normally be less than 7 years of age. The vehicle's age will be determined by the vehicle registration document. The age limit may be exceeded if the vehicle complies with all applicable standards. Once a vehicle reaches 10 years of age, the licence will only be renewed if the vehicle passes 3 compliance tests each year, at approximately 4-monthly intervals.

18.4. Tyres

The vehicle shall be equipped with a minimum of 4 road wheels and 1 full-sized spare wheel. The tyres shall be of an approved rating as specified by the manufacturer and not more than 10 years old.

Tyres must not be purchased as part-worn or used.

Vehicles with a 'space-saving' wheel are to comply with the manufacturer's specifications as to use. When so used, the vehicle must **not** be used for plying for hire, or private hire. Any change in the type or size of the tyres fitted to the vehicle must be reported to the licensing officer at once.

18.5 Accessibility

The Council recognises the need to promote the use of wheelchair accessible vehicles to ensure that all members of the community are able to benefit from the service that they provide.

Requirements relating only to hackney carriage vehicles. Whilst all newly issued hackney plates must be wheelchair-accessible, private hire vehicle applications for these types of vehicle are also welcomed by the Council.

Where a vehicle is wheelchair-accessible:

- a) All lifts / ramps must be maintained and in fully working order so as to comply with the Lifting Operations and Lifting Equipment Regulations 1998
- b) All equipment used to strap /or tie a wheelchair in place should be fully maintained and in full working order
- c) All tie / strap locations shall be kept clear of any obstruction.

18.6 Reducing air pollution

The Council is committed to encouraging applications for more fuel-efficient vehicles. Vehicle pollution has a significant impact on air quality in the district, and there is widespread agreement that more must be done to reduce the number of higher-polluting vehicles.

Drivers are also advised that vehicles should not be left to idle for sustained periods as this causes unnecessary pollution and increases their fuel costs.

From 1 May 2019 The Air Quality (Taxis and Private Hire Vehicles Database) (England and Wales) Regulations 2019 will require the Council to provide details to the secretary of state of all hackney carriage and private hire vehicles. Therefore the following details will be provided as requested;

- (a) the date from which the licence has effect;
- (c) the date on which the licence is due to expire;
- (d) a statement as to whether the vehicle is a taxi or a private hire vehicle
- (e) such other information the licensing authority holds in relation to the vehicle that may be relevant for the purposes of ensuring the accurate identification of vehicles, having had regard to any guidance issued by the Secretary of State.³

18.7 Advertising

No signs, notices, advertisements, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from any licensed vehicle except as required by any statutory provision or with prior written approval of the Council. In relation to other advertising materials, any false, misleading or inaccurate material contrary to this policy and/or its conditions will result in the taking of enforcement action.

All advertising material must be approved in writing by the Council prior to use or display and an administration fee of £25 will be payable per batch of advertising.

Not more than two external advertisements (excluding the roof signs) may be carried on any vehicle, confined to the side panels and must comply with the Advertising Standards Authority code of advertising.

Any advertising material must not use the Council's logo.

18.8 Taximeter calibration

All hackney carriage vehicles must be fitted with a taximeter. Private hire vehicles that are fitted with a taximeter must adhere to the following conditions.

The taximeter shall be calibrated following a change to the table of fares or when requested by the Council. A certificate of calibration provided by the taximeter installer must be produced on first issue, transfer or when the seal is damaged or missing.

The operation of the taximeter must be in accordance with the provisions of the Byelaws in force at the time within the Three Rivers District with respect to hackney carriage vehicles.

18.9 Change of vehicle applications must be completed and submitted by the licensed driver and not by the hire/lease company supplying the temporary vehicle.

18.10 Roof Boxes and Roof Racks

The use of roof boxes and roof racks is strictly prohibited unless there is roof space or storage already integrated into the vehicle.

19. Guidelines for CCTV systems in Hackney Carriage & private hire vehicles

19.1 Introduction

These guidelines set out to ensure that CCTV systems installed in hackney carriages and private hire vehicles licensed by the Council are properly managed whilst being used to prevent and detect crime; and enhance the health, safety and security of both drivers and passengers.

The decision whether to install CCTV in a licensed vehicle is at the discretion of the vehicle licence-holder and vehicle owner (if these are different), all costs would need to be met by these individuals as the Council will not provide funding or assist in finding funding.

³ <http://www.legislation.gov.uk/ukdsi/2019/9780111177969>

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

For the purposes of these guidelines the term "CCTV system" will include any electronic recording device attached to the inside of vehicle having the technical capability of capturing and retaining visual images and audio recording from inside or external to the vehicle. In addition to the standard CCTV camera system these may include for example, such devices as events/incident/accident data recording devices.

19.2 The purpose of CCTV

The purpose of the CCTV system shall be to provide a safer environment for the benefit of the driver and passengers by:

- Deterring and preventing the occurrence of crime
- Reducing the fear of crime
- Assisting the Police in investigating incidents of crime
- Assisting insurance companies in investigating motor vehicle accidents

19.3 General requirements

Any CCTV system to be fitted must, as a minimum, meet the requirements set out in this document. Only CCTV systems meeting these requirements and approved by the Council can be installed into licensed vehicles.

CCTV systems installed will be inspected as part of the annual licensing inspection to ensure they do not pose a risk to the safety of the passengers or the driver and are fitted safely and securely.

The installation and operation of CCTV must comply with the requirements of the Information Commissioner's CCTV Code of Practice.

All equipment must comply with any legislative requirements in respect of Motor Vehicle Construction and Use Regulations 1986. CCTV installed must also meet any other relevant legislation, including any new legislation which may be introduced following the installation of such systems.

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.

19.4 Automotive Electromagnetic Compatibility Requirements (EMC)

CCTV equipment must not interfere with any other safety, control, electrical, computer, navigation, satellite, or radio system in the vehicle.

Any electrical equipment such as an in-vehicle CCTV system fitted after the vehicle has been manufactured and registered, is deemed to be an Electronic Sub Assembly (ESA) under the European Community Automotive Electromagnetic Compatibility Directive and therefore must meet with requirements specified in that Directive.

CCTV equipment should be e-marked or CE-marked. If CE marked confirmation by the equipment manufacturer as being non-immunity related and suitable for use in motor vehicles is required.

19.5 Camera design requirements

The camera(s) must be fitted safely and securely, should not adversely encroach into the passenger area and must not impact on the safety of the driver, passenger or other road users.

19.6 Installation

All equipment must be installed as prescribed by the equipment and/or vehicle manufacturer installation instructions.

The installed CCTV system must not weaken the structure or any component part of the vehicle or interfere with the integrity of the manufacturer's original equipment.

All equipment must be installed in such a manner so as not to increase the risk of injury and/or discomfort to the driver and/or passengers. For example, temporary fixing methods such as suction cups will not be permitted, or lighting, such as infra-red, which emits at such a level that may cause distraction or nuisance to the driver and/or passengers.

All equipment must be protected from the elements, secure from tampering and located such as to have the minimum intrusion into any passenger or driver area or impact on the luggage carrying capacity of 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 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. All wiring must be fused as set out in the manufacturer's technical specification and be appropriately routed. If more than one camera is being installed their location within the vehicle must be specific for purpose i.e. to provide a safer environment for the benefit of the Taxi/ PHV driver and passengers.

All equipment must be checked regularly and maintained to operational standards, including any repairs after damage.

All system components requiring calibration in situ should be easily accessible.

19.7 Camera Activation Methods

Activation of the equipment may be via a number and combination of options, including:

- door switches
- time delay
- driver's 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).

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.

19.8 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 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 a reset function must be installed which automatically disables audio recording and returns the system to normal default operation after a specified time period has elapsed. The time period that audio recording may be active should be the minimum possible and should be declared at the time of submission for approval of the equipment.

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.

19.9 Image Security

Images captured must remain secure at all times.

The captured images must be protected using approved encryption software which is designed to guard against the compromise of the stored data, for example, in the event of the vehicle or equipment being stolen.

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

19.10 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 storage facilities, transferred in real time using fully secured and appropriately encrypted GPRS (GSM telephone) signalling to a secure server within the service provider's monitoring centre.

Images must not be downloaded onto any kind of 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 a maximum 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.

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

19.11 Notification 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 which 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 which has decided to have a CCTV system installed and operating within the vehicle. The data controller is ultimately responsible for how the images are stored and used and determines in what circumstances the images should be disclosed.

'Notification' is the process by which a data controller informs the ICO of certain details about their processing of personal information. These details are used to make an entry in the public register of data controllers.

This means that any company, organisation or individual vehicle owner who has a CCTV system installed within a licensed vehicle must register with the ICO and obtain documented evidence of that registration. This documentary evidence may have to be presented to the Council at any time during the term of the vehicle licence.

The notification requires renewal on an annual basis, and payment of the appropriate fee specified on the ICO's website.

19.12 Using a third party service provider (data processor)

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 a Council official at any time during the term of the vehicle licence.

19.13 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; the Council; insurance companies/brokers/loss adjusters; or in exceptional circumstances, 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.

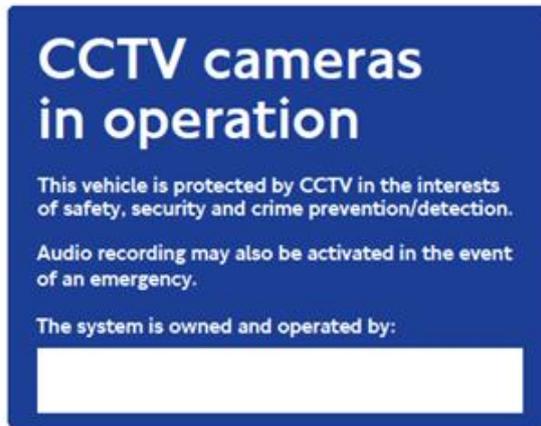
Under the DPA, members of the public may also make a request for the disclosure of images, but only where they have been the subject of a recording. This is known as a 'Subject Access request'. Such requests must only be accepted where they are in writing and include sufficient proof of identity (which may include a photograph to confirm they are in fact the person in the recording).

Data Controllers are also entitled to charge a fee for a subject access request (currently a maximum of £10). More guidance on handling subject access requests can be found in the ICO's Subject Access Request Code of Practice, which is available on their website.

19.14 Signage

All vehicles fitted with a CCTV system must display the sign shown below in a prominent position. 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 so as 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 must be provided in the blank space included on the sign template. The contact details can be in the form of either a telephone number, email address or website URL.

19.15 Signage for external-facing CCTV systems

Where a CCTV system is installed in order to record incidents outside the vehicle, it will not be practical to display a sign. Instead, when the CCTV 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 of the purpose for which the device has been installed, for example to facilitate their insurance company's investigation of insurance claims.

19.16 Annual Certification from installer

Any CCTV system should be checked annually by the installer and evidence of this must be provided to the Council. Where an installation company ceases to exist, a similar installation company should be used.

19.17 CCTV Checklist

To assist individual drivers, owners and operators who are considering the installation of a CCTV system, the Council has produced the summary checklist below to help ensure that all of the relevant approval requirements/standards are complied with.

Please tick

- Notification submitted to the Information Commissioner's Office (ICO). www.ico.org.uk
- Has the ICO provided you with documentation to evidence your notification as the "data controller" associated with your system?
- Do you have documentary evidence regarding contractual arrangements with any data processor or service provider associated with the operation or management of the CCTV system? (where applicable)
- Have you displayed the required signage, including the relevant contact details?
- Does the CCTV system meet the installation standards as set out in this policy?

20. Communication, Audio and Visual Devices

Mobile devices can only be used if they are held in a cradle and are used completely hands-free.

All Communications Devices must be securely fitted within the vehicle and appropriately located so as to not interfere with the operation of the vehicle.

The use of headphones is not permitted to be used in a licensed vehicle.

In order to protect passenger confidentiality, a licensed driver must neither retain nor publish any image, sound or information of any passenger(s) captured on a hand-held recording device or any other form of recording device, except where this is to an authorised officer of the Council or Police.

21. Policy on Convictions and Conduct - New Applicants

21.1 Each case is to be taken on its own merit.

Some discretion may be appropriate if the offence and/or behaviour is isolated and there are mitigating circumstances. Equally, the history of offending (including multiple offences/combinations of offences /types of offences) and/or behaviour may warrant a longer period free from convictions.

Accordingly, whilst it is possible that an applicant may have a number of convictions that, individually, meet the guidelines below, the overall offending history must be considered when assessing the applicant's suitability to be licensed.

A series of civil or criminal offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Obviously some discretion can be afforded if an offence is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.

Simply remaining free of convictions will not necessarily be sufficient to show that a person is fit and proper where other circumstances/evidence bring this into question. Furthermore it should always be remembered that the periods free of conviction in this section are suggested minimums.

Whilst the time period detailed in this section provides guidance to potential applicants as to how long they should wait before applying for a licence following described offences/convictions, any application made following these guidelines is still subject to the same considerations as to whether the applicant is fit and proper, and therefore simply following the guided timescales in no way guarantees the granting of a licence.

Notwithstanding and without prejudice to any other provision within this document, ordinarily the Council would as a minimum expect the standard rehabilitation periods identified in the Rehabilitation of Offenders Act 1974 to have expired.

Criminal convictions or civil penalties will be considered by officers or, in cases of doubt, by the Licensing sub-committee.

An application from any person awaiting trial for an offence which brings into question whether they are a fit and proper person (including but not limited to death by dangerous driving, drugs, violence, sexual offences, dishonesty, driving under the influence of alcohol or drugs, or offences of a habitual nature) will not normally be considered until the outcome of the trial.

In order for the Council to fully consider the case on its merits, the applicant should provide a written statement of the offences (including any that they are awaiting trial for), with evidence, covering the nine points in the paragraph below, which would be available for examination by the Council.

Where the Council becomes aware of issues including previous criminal history/convictions, any arrest, any charges, inappropriate behaviour for a hackney carriage/private hire driver and/or significant comments on any DBS check, consideration will be given to each applicant's suitability for licensing against the following criteria (in no particular order):

- nature of the offence/conduct/charge etc.
- circumstances in which the offence/conduct/charge etc. was committed
- circumstances of the individual concerned
- subsequent periods of good behaviour
- overall conviction/behaviour history
- sentence imposed by the Court
- seriousness of the offence/conduct/charge etc.
- any other character check considered reasonable (e.g. personal references)
- taking all the above issues into account, together with any other relevant issues, whether the protection of the public may be at risk.

These guidelines do not deal with every type of offence, and do not prevent the Council from taking into account offences not specifically addressed in the guidelines, or other conduct which may be relevant as to whether an individual is a fit and proper person to hold a hackney carriage or a private hire driver's licence.

21.2 Minor motoring offences

Convictions for minor traffic offences such as speed limit offences, or non-endorsable traffic offences such as obstruction or waiting in a restricted street should not prevent a person from applying to be a hackney carriage or private hire driver.

If sufficient points have been accrued to require a period of disqualification of the applicant's driving licence then a hackney carriage or private hire licence may be granted 12 months after its restoration but a warning should be issued as to future conduct. New applicants with 6 or more points on their DVLA driver's licence will be refused until endorsement(s) expire and the number of penalty points drops below this threshold.

Further disqualification from driving as a result of penalty points being accrued may result in refusal to issue a licence.

21.3 Traffic offences involving the loss of life

A very serious view will be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life or serious injury. A licence will not be granted if an applicant has a conviction for any of the following:-

- Causing death by dangerous driving
- Causing death by careless driving whilst under the influence of drink or drugs
- Causing death by careless driving
- Causing death by driving for any other reason
- Or any similar offences (including aiding abetting, attempting or conspiring to commit) offences which replace the above.

21.4 Major traffic offences not involving the loss of life

A very serious view should also be taken of any applicant who has been convicted of a major traffic offence even if it has not involved the loss of life, as it raises questions as to the applicant's ability to protect the public.

Before an application is considered, an applicant should be free of conviction for 10 years and since the completion of the sentence, whichever is longer, for offences such as:

- Dangerous driving
- Reckless driving
- Similar or replacement offences to those listed above (including attempted or conspiracy to commit).

21.5 Other serious traffic offences

Other serious traffic offences include:

- Accident offences
- Driving without due care and attention
- Driving whilst using a mobile phone or mobile device
- Careless driving
- Construction and use offences (This is in relation to tinted windows)
- Licence offences
- Traffic direction and sign offences
- Driving whilst disqualified
- Similar or replacement offences to those listed above (including attempted or conspiracy to commit)

Insurance offences and alcohol/drug offences are dealt with under their own separate subsections below.

Theft or unauthorised taking of a vehicle are dealt with under the 'dishonesty' subsection below.

Any conviction for a serious traffic offence under 'other serious traffic offences' in this policy should normally merit refusal to issue a licence and no further application should be considered until a period of 7 years either free of conviction or since completion of the sentence, whichever is longer, has elapsed.

More than one conviction for a traffic offence within two years should merit refusal to issue a licence and no further application should be considered until a period of 5 years either free of convictions or since completion of the sentence, whichever is longer, has elapsed.

21.7 Drink driving/driving under the influence of drugs (including medication) or legal highs

A serious view is taken of driving or being in charge of a vehicle whilst under the influence of drink or drugs or legal highs, as licensees are professional vocational drivers and drink/drug driving convictions raise serious concerns for the safety of the public. An isolated incident of drink driving or driving under the influence of legal drugs should not necessarily debar an application but strict warnings will be given as to future behaviour. However an exception to this is the use of novel psychoactive substances (NPS – commonly referred to as legal highs) which will be treated in the same regards as illegal drugs below.

At least 5 years should elapse, after the restoration of the EU (UK) full driving licence, before an applicant may be considered for a private hire or hackney carriage driver's licence.

More than one conviction for these offences or any conviction for driving under the influence of illegal drugs should raise grave doubts as to the applicant's fitness to drive the public and therefore hold a licence.

If there is reason to suspect persistent alcohol and/or drugs use, misuse or dependency (e.g. two or more offences relating to alcohol or drugs, with or without a vehicle) a specialist medical examination and report should be required before an application is entertained to ensure that the applicant meets the DVLA Group 2 medical standards in relation to alcohol/drug misuse and dependency. If the applicant is found to be (or to previously have been) alcohol- or drug-dependent, a period of 5 years should elapse after treatment is complete before a further licence application is considered.

21.8 Drunkenness without a motor vehicle

An isolated conviction for drunkenness need not debar a driver from obtaining a licence but a number of convictions could indicate a medical problem necessitating a medical examination. In some cases a warning would be sufficient. If there is reason to suspect persistent alcohol use, misuse or dependency (e.g. two or more offences for drunkenness with or without a motor vehicle) a specialist medical examination and report may be required to ensure that the applicant meets the DVLA Group 2 medical standards in relation to alcohol misuse and dependency.

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

21.9 Illegal drugs without a motor vehicle

A serious view is taken of any illegal drugs-related offence. The nature and quantity of the drugs, whether for personal use or supply are issues which should be considered.

An applicant would normally be expected to be free of convictions relating to the possession of illegal drugs for 5 years requiring at least 5 years to have passed since the completion of the sentence.

An application will normally be refused where the applicant has more than one conviction for offences related to the possession of illegal drugs and has not been free of conviction for 7 years with at least 7 years to have passed since the completion of the sentence.

An application will normally be refused where the applicant has a conviction for an offence related to the supply, importing or production of illegal drugs and has not been free of conviction for 10 years with at least 10 years to have passed since the completion of the sentence.

If there is reason to suspect persistent drugs use, misuse or dependency (e.g. two or more convictions relating to any drugs, with or without a vehicle) a specialist medical examination and report will normally be required before an application is entertained to ensure that the applicant meets the DVLA Group 2 medical standards in relation to drug misuse and dependency. If the applicant is found to be (or to previously have been) drug dependent, a period of 5 years should elapse after treatment is complete before a further licence application is considered.

21.10 Sex and indecency offences

As hackney carriage and private hire drivers often carry unaccompanied and vulnerable passengers. Applicants who have been convicted of sexual or indecency offences (or where there is other behaviour and/or evidence to suggest a disposition to commit such offences) must be closely scrutinised. Applicants with convictions for sexual offences will usually be refused.

In particular, an application will normally be refused where the applicant has a conviction for an offence such as:

- Rape
- Assault by penetration
- Offences involving children or vulnerable adults
- Sexual assault
- Indecent assault
- Possession of indecent photographs, child pornography etc.
- Exploitation of prostitution
- Trafficking for sexual exploitation
- Indecent exposure
- Similar or replacement offences to those listed above (including attempted or conspiracy to commit)
- Any sex or indecency offence that was committed in the course of employment as a taxi or PHV driver
- Soliciting (e.g. kerb crawling)
- Importuning
- Similar or replacement offences to those listed above (including attempted or conspiracy to commit).

If a licence is granted a strict warning as to future conduct should be issued.

A person on the sex offenders register would not be considered a fit and proper person to hold a licence.

21.11 Violence

As hackney carriage and private hire drivers maintain close contact with the public, a firm line should be taken with drivers with offences involving violence. An application will normally be refused if the applicant has a conviction for an offence that involved loss of life or serious injury.

At least 5 years free of conviction with at least 5 years to have passed since the completion of the sentence before an application is considered from anyone whose offending history and/or other behaviour/evidence suggests an aggressive or violent disposition, and even then a strict warning should be administered as to future conduct.

However given the range of offences that involve violence, consideration must be given to the nature of the offences. In particular:

- (i) An application will normally be refused where the applicant has a conviction for an offence such as:
 - Murder
 - Manslaughter
 - Manslaughter or culpable homicide while driving
 - Terrorism offences
 - Kidnapping
 - Threats to kill
 - Wounding with intent to cause grievous bodily harm
 - Grievous bodily harm
 - Robbery
 - Burglary
 - Possession of a weapon
 - Any 'hate' crime or offence ordinarily falling within paragraph (iii) below aggravated by a 'hate' crime
 - Similar or replacement offences to those listed above (including attempted or conspiracy to commit).

- (ii) Before an application is granted, an applicant should be free of conviction for at least 7 years with at least 7 years to have passed since the completion of the sentence, whichever is longer, for offences including:
 - Assault occasioning Actual Bodily Harm
 - Assault with intent to resist arrest
 - Assault on Police
 - Domestic Violence related offences (unless these are covered by (i) above)
 - Harassment

- Similar or replacement offences to those listed above (including attempted or conspiracy to commit).
- (iii) Before an application is granted, an applicant should be free of conviction for at least 5 years with at least 5 years to have passed since the completion of the sentence, for offences including:
- Arson
 - Common assault
 - Criminal Damage
 - Similar or replacement offences to those listed above (including attempted or conspiracy to commit)

An application will normally be refused if an applicant has more than one conviction in the last 10 years for an offence of a violent nature.

21.12 Dishonesty

Taxi and PHV drivers are expected to be persons of trust. They deal with cash transactions and valuable property may be left in their vehicle in error.

Drivers are required to deposit such property with the police within 48 hours.

The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is relatively easy for a dishonest driver to defraud the public by demanding more than their legal fare etc.

This for example would include misuse of MPV additional occupancy rates. Licence-holders also have access to the names and addresses of their customers and their daily movements. Overseas visitors may not be familiar with the currency or costs of journeys and may be vulnerable to an unscrupulous driver. Accordingly a serious view should be taken of any conviction involving dishonesty.

Nationally it has been known for drivers to pass information on vulnerable persons to others for later abuse or to abuse vulnerable persons, including taking money from such persons.

Offences involving dishonesty for the purposes of this policy include

- theft
- fraud
- benefit fraud
- handling or receiving stolen goods
- forgery
- conspiracy to defraud
- obtaining money or property by deception
- other deception
- taking a vehicle without consent
- driving whilst disqualified
- any similar offences (including attempted or conspiracy to commit).

An application will normally be refused if an applicant has been convicted of burglary or more than one conviction for other dishonesty offences in the last 10 years.

21.13 Insurance offences

A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident would normally prevent a licence being granted until a period of five years from the date of the offence has expired. More than one conviction for these offences within the past ten years would normally prevent a licence from being granted or renewed.

21.14 Licensing offences

This subsection applies to licensing offences not covered elsewhere within this convictions and behaviour section of the policy such as plying for hire, using an unlicensed vehicle/driver.

At least 12 months free of conviction should elapse before an application will be considered. Unless there is significant mitigation, an applicant will normally be refused until a period of at least five years free of conviction has expired where the applicant has committed more than one licensing offence within the last five years.

An applicant with an isolated conviction that is more than one year old may be licensed subject to a written warning.

Individuals previously licensed by the Council and revoked for offences connected to their licence will not normally be granted a further licence in the future. Cases such as this will be considered by the Lead Licensing Officer under their delegated authority.

21.15 Cautions

An admission of guilt is required before a caution can be issued. Accordingly cautions will be assessed in the same way as a conviction by the Court.

21.16 Non-conviction information

If an applicant has, on more than one occasion, been arrested or charged but not convicted for an offence, or is subject to an antisocial behaviour injunction/order or similar order, which suggests he/she may not be a fit and proper person, or if there is other evidence to suggest the applicant may not be a fit and proper person, consideration should be given to refusing the application.

Failing to declare convictions on the application form should normally result in refusal and at least twelve months elapsing from the date of receipt of the application form before an application will be considered and a new application will be required.

As with the rest of this part of the policy, in assessing the action to take, the safety and security of the travelling public must be the paramount concern.

21.17 Suspension/refusal/revocation by another Council

An applicant who has been suspended/refused/revoked by another Council may not be considered "fit and proper" for a period of at least 3 years from the date of the suspension/refusal/revocation. This period may be extended depending on the circumstances of the revocation.

The Council shall also have a right to make enquiries of that other authority.

22. Policy on Convictions and Conduct for existing licensees

22.2 Time of action

Existing holders of driver's licences are required to notify the Council in writing within five working days of receiving a driving licence endorsement, fixed penalty notice, warning, reprimand, police caution, criminal conviction or other criminal proceedings (including their acquittal as part of a criminal case).

In addition, licence-holders must inform the Council in writing or by email within 3 working days of their arrest for any matter (whether subsequently charged or not). To fail to do so, will raise serious questions for the Council as to the honesty of the licence-holder and will be taken into account as part of any subsequent renewal applications.

22.3 Policy details

Each case is to be taken on its own merit.

Any person awaiting trial for or suspected of committing an offence which brings into question whether they are a fit and proper person (including but not limited to death by dangerous driving, drugs, violence, sexual offences, dishonesty, driving under the influence of alcohol or drugs, or offences of a habitual nature) will normally be revoked pending the outcome of an investigation or trial.

Although each case will be assessed on its own merits in line with this policy, licence-holders should expect the revocation of their licence for these types of offences to be immediate in nature. The initial consideration regarding revocation will be undertaken by officers. However, if a driver does not agree with the officer's decision to revoke his/her licence he/she may apply to the local Magistrates' Court to appeal this decision within 21 days of the revocation being received by the driver.

When considering whether a licence should be suspended or revoked, some discretion may be appropriate if the offence and/or behaviour is isolated and there are mitigating circumstances. Equally the history of offending (including multiple offences/combinations of offences/types of offences) and/or behaviour may warrant a longer period free from convictions. Accordingly the overall offending history must be considered

when assessing the applicant's suitability to be licensed.

Therefore any licence-holder awaiting trial for, or suspected of, committing an offence or demonstrating behaviour which, taken together with the licence-holder's history of offending (including multiple offences /combinations of offences /types of offences) and behaviour (including before the licence was granted and during the course of the licence), lead the Council to believe that the licence-holder is not a fit and proper person to hold a licence, may have their licence suspended or revoked.

Whilst it is possible that a licence-holder may have a number of previous convictions that, individually, meet the guidelines below, the overall offending history must be considered when assessing the licence-holder's suitability to continue to be licensed. A series of offences/behaviour over a period of time is more likely to give cause for concern than an isolated minor conviction/demonstration of unacceptable behaviour. Obviously some discretion can be afforded if an offence is isolated and there are mitigating circumstances but the overriding consideration is the protection of the public.

In order for the Council to fully consider a case on its merits, the licence-holder should provide a written statement of the offences, with evidence, covering the nine points in the paragraph below, which would be available for examination by the Council.

Where the Council becomes aware of issues including previous criminal history/convictions, any arrest, any charges, inappropriate behaviour for a hackney carriage/PHV driver and/or significant comments on any DBS check, consideration will be given to each licence-holder's suitability for licensing against the following criteria (in no particular order):

- nature of the offence/conduct/charge etc.
- circumstances in which the offence/conduct/charge etc. was committed
- timely notification to the Council of offence/conduct/charge
- circumstances of the individual concerned
- subsequent periods of good behaviour
- overall conviction/behaviour history
- sentence imposed by the court
- seriousness of the offence/conduct/charge etc.
- any other character check considered reasonable (e.g. personal references)
- taking all the above issues into account, together with any other relevant issues, whether the protection of the public may be at risk.

These guidelines do not deal with every type of offence, and do not prevent the Council from taking into account offences not specifically addressed in the guidelines, or other conduct which may be relevant as to whether an individual is a fit and proper person to continue to hold a hackney carriage or a private hire driver's licence.

23 Expedition policy for revoked licences where reinstating a licensee is considered appropriate

23.1 General

The High court ruling of **R (application of Singh) v Cardiff City Council [2012] EWCH 1852 (Admin)** has established that it is unlawful to suspend and then revoke a driver for a single offence. Therefore it is necessary to revoke a driver immediately if the Council becomes aware of information which gives serious concerns about a driver.

This policy is to assist in the timely replacement of a driver's licence, when it has been revoked but following investigation it has established that the Council does not have any remaining concerns with regards to the fit and proper nature of the person.

A relevant officer of the Council will decide if an applicant falls in to this part of the policy and the applicant will be advised if this is the case.

The investigation of the Council with regards to establishing whether an individual is fit and proper will take into account any available information but is not reliant on other authorities' investigations into any connected allegations, although information will always be requested from other agencies when they are known to be involved.

As the Council is required to consider each case on balance of probability, a police investigation which results in an individual not being convicted may not in itself be considered to be sufficient for the Council to issue a new licence to the individual as Police investigations are determined at a higher level of proof i.e.

beyond reasonable doubt. In addition to this, a Police investigation may uncover breaches of this policy committed by a driver and the Council would need to take these into account.

23.2 Process

If the Council makes a decision to issue a new licence to a driver whose licence was previously revoked, a new application will be required from the individual but some existing documents which are 'in date' in terms of the hackney carriage and private hire policy will normally be transferred to the new application.

Depending on the circumstances surrounding the revocation, some updated documents may be required and these will be determined on a case by case basis. For example, if a driver's health leads to their licence being revoked and their health subsequently improves so that they may be considered fit to be a licensed driver, a new medical would be required. The same would be the case for an individual who is subject to a Police investigation, where their criminal history would be checked using the DBS update service; if the applicant is no longer signed up to this service, a new DBS ([GBG](#)) will be required as part of their application (and they will be required to re-register for the update service).

When a decision is made to issue a new licence, this will usually be processed within 5 working days of all required documentation being received.

23.3 Fees

The new licence will usually be issued for the period that the revoked licence had left to run and no further charge will be levied, with the exception of any connected costs such as for new documentation which will remain the applicant's responsibility.

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24. TABLE OF OFFENCES SUMMARY (PLEASE READ SPECIFIC PARAGRAPH FOR MORE INFORMATION.

Offence category	Offences	Additional period if relevant	Comment
Serious violence	Aggravated burglary	Applications will not be granted for convictions in these categories	
	Any homicide offence		
	Grievous bodily harm		
	Malicious wounding		
	Rape		
	Riot		
	Sexual assault		
	Terrorism		
	Violent disorder		
Violence	Actual bodily harm	10 years	Applications will not be granted if an applicant has two or more convictions involving violence or serious violence
	Affray		
	Arson		
	Assault on a police officer or other public servant		
	Possession of a firearm		
	Resisting arrest		
	Robbery		
	Slavery, abduction, false imprisonment etc		
	Threats to kill		
	Any offence that can be categorised as domestic violence		Applicants will be assessed according to the actual offence
Public Order Act offences (eg causing harassment, alarm or distress)	5 years	Unless Classed as a 'hate crime'	
Serious criminal offences	Common assault	5 years	Applications will not be granted if an applicant has two or more convictions involving violence or serious violence
	Criminal damage		
	Obstruction of police or other statutory officers		
	Theft by an employee		
	Possession of a weapon	Applications will not be granted for convictions in this category	

Sexual offences	Assault by penetration	Applications will not be granted for convictions in this category	
	Indecent assault		
	Child Sexual Exploitation		
	Indecent assault		
	Trafficking including preparatory offences as defined within the Sexual Offences Act 2003		
	Making or distributing obscene material	10 years	Applications will not be granted for anyone on the Sexual Offenders Register or where the offence involved Children, Young Adults or Vulnerable Adults
	Possession of indecent photographs	5 years	
Dishonesty	Theft	5 years	Applications will not be granted if an applicant has two or more convictions involving dishonesty
	Burglary		
	Fraud (including benefit fraud)		
	Handling or receiving stolen goods		
	Forgery		
	Obtaining money etc by deception		
	Taking a vehicle without consent		
	Evasion of taxes or duties		
	Deception		
Attempting to pervert the course of justice or perjury			
Substance abuse offences	Driving under the influence of drink or drugs (including prescription drugs)	5 years	Applications will not be granted if an applicant has two or more convictions involving driving under the influence
	Possession of drugs with intent to supply	Applications will not be granted for convictions in this category	
	Possession of drugs	8 years	
Serious driving offences	Causing death by dangerous driving	Applications will not be granted for convictions in these categories	
	Causing death by dangerous driving whilst under the influence of alcohol or drugs		
	Causing death by careless driving		
	Dangerous driving	10 years	Applications will not be granted if an applicant has two or more convictions in this category
	Driving without due care and attention	5 years	
	Inconsiderate driving	5 years	
	Driving when disqualified	5 years	
Failing to identify driver of vehicle when required	5 years		

Other driving offences	Construction and Use Regulation Offences	Will not normally merit a refusal except for: existing applicants with 9 or more points endorsed on their DVLA licence new applicants with 6 or more points endorsed on their DVLA licence	
	Traffic directions and signs		
	Pedestrian Crossing offences		
	Speed limits		
	Motorway Offences		
	Insurance offences	5 years	Applications will not be granted if more than conviction
	Driving or having control of a vehicle without a valid MOT certificate	5 years	
	Driving or being in control of a vehicle without adequate insurance	5 years	Applications will not be granted if more than conviction
	Vehicle being used in anti-social manner	1 year	
	Vehicle being used in connection with commission of any criminal offence		
	Driving otherwise than in accordance with a licence	5 years	
	Failing to stop after or to report an accident		
	Licensing offences	Conviction under byelaws for hackney carriages	5 years
Plying for hire			
Failing to carry an assistance dog		1 year	
Charging more than the metered fare			
Refusing to convey a passenger within a controlled district			
Offences under any other licensing regime			
Failing to notify licensing authority of change of vehicle address etc			
Failing to notify licensing authority of accident to licensed vehicle			
Waiting on a hackney carriage rank as a private hire vehicle			
Unlawfully prolonging journey			
Obstruction of authorised officers or constables			
Failing to wear identification badge		3 months	May be up to 12 months for persistent failures to comply
Failing to display vehicle licence plate on vehicle			
Failing to comply with vehicle licence conditions			
Deliberately or recklessly providing false information			

25. Licensing enforcement

25.1 General

The Council issues hackney carriage and private hire driver and vehicle licences to ensure passenger safety.

The DfT guidance is clear on the necessity of enforcement to maintain high standards of public safety. All enforcement schemes need to be proportionate and transparent.

Any enforcement system needs to deal with persistent, low level breaches up to serious, possibly, criminal behaviour. There needs to be a grade of sanctions from informal warnings through to suspension and revocation of licence. It is clear that the majority of enforcement will be for relatively minor offences or breaches and will be undertaken by the licensing officer.

25.2 Enforcement options

There are a number of options that shall be considered following the identification of an activity for which the necessary licence, notice or registration has not been applied for or the Licensee has not complied with the conditions of a licence, notice or consent issued by the Council or byelaw made by the Council, or this policy or other legislation has been contravened. One or more of the following may be deemed appropriate:

- Verbal advice
- Inspection
- Issue of points via monitoring of contraventions system
- Suspension
- Revocation
- Refusal of future licence application or restriction of such licence by imposition of conditions
- Formal Caution
- Prosecution.

There is a long standing relationship between the licensing team and the trade. This is based on the application of consistent standards for all parties.

25.3 Enforcement Policy

The authority will have regard to the [Police and Criminal Evidence Act Codes of Practice](#)

25.4 Verbal advice

To be followed where the vehicle or driver standards are found to be reasonably satisfactory but wanting in some minor respect.

25.5 Inspection

Inspections will normally be of vehicles or documents/records. In most cases, appointments will be made with adequate notice and at reasonable hours unless this would defeat the object of the inspection. Licensees will comply with officer requests to view documents or records and must attend appointments for inspections.

25.6 Penalty points scheme

Any licensed person who has in the opinion of the licensing officer committed an infringement of the law or licence conditions will be served with a notice as follows:-

Contraventions	Points	x	Contraventions	Points	x
No first aid kit	3		No smoke free signage	2	
No fire extinguisher	3		Vehicle cleanliness	2	
No emergency bulb kit	3		Private hire parked on taxi rank	4	
Failure to display badge	3		Unattended vehicle on taxi rank	4	
Failure to display plate/internal plate	3		Obstructing the Licensing Team/Enforcement officer.	6	
Failure to notify change of details /convictions/FPN/fines and fine alternatives such as driving courses undertaken as a licence requirement – vehicle/driver/operator	3		Failure to produce documents on demand to the licensing enforcement officer	3	
Failure to report an accident to the licensing team	3		Carrying too many passengers	6	
Failure to report a complaint - driver/operator	3		Refusal to carry guide dogs, hearing dogs, or service dogs (unless exempt)	6	
Horn misuse	2		Smoking in vehicle	6	
Private hire plying for hire	6		Overcharging	6	
Defective tyres (per tyre)	4		Use of handheld phone or radio whilst driving	6	
Using unapproved advertising on/in vehicle	2		Other licence requirements/breaches of legislation:-	Dependent on case	
Failure to dress appropriately as defined in TRDC policy	2				

Plate No: Driver's name: Driver's badge No:.....

Vehicle registration: has been inspected as indicated above. The contravention(s) above mean(s) that you have acquired points.

The vehicle must not be used until the contravention(s) above have been rectified and the vehicle is presented to the Council Offices by/...../..... *

Failure to comply with this notice could lead to the revocation or suspension of your licences and does not rule out further proceedings when this matter is considered along with driver/vehicle history.*

Date: **Signed:**

*Delete where appropriate

25.7 The Council operates a system whereby infringements of the law or licence conditions by a licence-holder can be recorded and given a value dependent upon the nature of the infringement. This scheme reduces possible subjectivity from the enforcement process. Any licensee who, in the opinion of an authorised officer, has committed an infringement will be issued with a contraventions notice form.

25.8 This is a points-based monitoring system whereby licensees receive a certain number of points against their hackney carriage or private hire licence for specific offences, similar to the way in which points are issued against a DVLA licence for motoring offences. If a driver reaches 12 points within a 12-month period, the licence will be referred to the Lead Licensing Officer [or the Licensing Sub-Committee] for consideration. The decision maker will receive a report from officers and invite written representations from the licence-holder. This system allows the Licensing department to become aware of patterns or problems. The penalty point scheme enables the licensing team leader or Members to give weight to patterns or problems when issues come before them.

25.9 The monitoring of contraventions system is only in place for breaches of conditions that the Council witnesses and/or investigates. If, for example, the Police deal with an issue by way of issuing a penalty notice or awarding penalty points/fine, the Council would not then issue points as well.

25.10 If the licence-holder believes that points have been issued in error, or that there are mitigating circumstances not taken into account by the officer, there is a right of appeal to the Head of Regulatory Services, Three Rivers District Council, Three Rivers House, Northway, Rickmansworth, Hertfordshire, WD3 1RL within 14 days of receiving the notice containing the points. The licence-holder will receive notification of the decision of the appeal within 30 days of receipt of the notice of appeal.

25.11 The issue of points does not prevent the Licensing section from taking any other or additional action, including prosecution where this is felt to be appropriate. For the avoidance of doubt, any breach of legislation, conditions, or offences not contained within the table will be dealt with in line with the hackney carriage and private hire policy.

25.12 Allocation of penalty points

The penalty point scheme assists the trade in maintaining its high standards and will act as a first step in assuring compliance with the licence conditions.

25.13 Points for Unattended vehicles

A vehicle will be considered to be unattended if it is considered that the driver would not be available to be hired when a customer approached. Therefore, points would not be issued simply because the driver was standing outside of the vehicle but would be likely to be issued if the driver is not close enough to the vehicle to acknowledge the customer when they approach. Taxi ranks are provided for drivers to show that they are available for hire, and are not a parking provision for licensed vehicles.

25.14 Contraventions that will be dealt with outside of the penalty points scheme

The following licence contraventions are considered to be very serious and therefore a single offence shall lead to consideration of whether a licence-holder should be suspended or revoked:

- Unlicensed vehicle by a licensed driver
- Unlicensed driver using a licensed vehicle
- Failure to display hackney carriage or private hire plate on licensed vehicle
- Driving with no valid Insurance
- Driving with no valid compliance/MOT
- Contravention of suspension notice.

Whilst a defective tyre will normally lead to 4 points being issued, the Council will consider the severity of the defect and this could lead to a higher number of points being issued and potentially suspension or revocation of the driver's licence.

25.15 Suspension of licences

A suspension notice can be issued giving 21 days' notice before the suspension takes effect or can be with immediate effect in the interest of public safety.

Whilst each case will be taken on its own merit, generally a suspension notice will normally be served in the following cases:

- If there is a history of non-compliance with the licence conditions or legislation and/or where 12 points have been issued as detailed above in a twelve month period.
- If there is a significant contravention in terms of risk to members of the public due to non-compliance.
- If the person is not otherwise currently considered to be a fit and proper person to be a licensed driver.
- Any other serious matter.

The policy on criminal records and behaviour will be used to assess whether a suspension should be given and if so whether it should be with immediate effect.

Also, the Crown Prosecution Service or Police may be asked to apply for bail conditions, which require any/all licences affected by this policy to be revoked by the Court.

Where a licence is refused, revoked, suspended or not renewed the licence-holder must be provided within 14 days of the decision being made and notice of the grounds on which the action was taken.

25.16 Revocation of licences

In the case of a driver or operator licence, the test will be whether the driver/operator is a fit and proper person (assessed in accordance with this policy, current legislation, case law and guidance). If they are not, on the balance of probabilities, then the licence will be revoked.

The decision to revoke a licence will not be taken lightly. The Lead licensing officer has delegated authority to revoke licences if appropriate or can refer the licence to a Licensing Sub-Committee if deemed appropriate.

25.17 Voluntary Surrender

Voluntary offers to surrender a licence will be accepted if made in writing and the licence plate/disc/badge returned. No refund of licence fee will be paid on the surrender of a licence.

25.18 Notification of decisions

Any notice required to be served by the Council under this licence or under any of the provisions of the Local Government (Miscellaneous Provisions) Act 1976 shall be deemed to have been properly served if sent by pre-paid post to, or left at, the last known address of the holder of the licence. Notices may also be served by email and will be deemed served on the individual once sent.

25.19 Appeal against refusal, suspension or revocation of a licence

The applicant or licence-holder has the right of appeal to the Magistrates' Court (or Crown Court if relating to refusal to grant a hackney carriage vehicle licence) Appeal procedures to the Magistrates' Court will be detailed with notices sent out. On appeal to the Magistrates' Court a suspended or revoked licence can continue to be used until the appeal is heard with the exception of those licence-holders suspended or revoked with immediate effect under section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976

25.20 Formal caution

This is an alternative to prosecution and requires that the offender must admit the offence.

In considering the issue of a formal caution the following will be taken into account:

- The seriousness of the offence.
- The benefits of its use rather than prosecution, e.g. cost, speed, deterrent effect in respect of re-offending
- The intention to rectify the contravention
- The evidence regarding the contravention.
- Previous history of the offender
- Consideration of the public interest (application of public interest test).

Written information will be given or sent to the offender regarding the significance of the caution immediately prior to offer of the formal caution.

Formal cautions will always require first the signature of the offender and then the authorised local authority representative.

Copies of the caution will be sent to the offender and sent to the central registrar of convictions. The Legal department will hold the original caution.

25.21 Prosecution

Prosecution will normally only be contemplated when the offences are serious, for example where there is a potential for risk to passenger safety, or as a result of refusal to accept other courses of action. Unlicensed persons or businesses will be considered for prosecution.

The following will be taken into account;

- the previous history
- the explanations or attitudes
- the probable public benefit
- whether the use of a formal caution would be more appropriate.

Prosecution will be authorised by the Head of Regulatory Services after consultation with the Head of Legal and Democratic Services.

Should the Crown Prosecution Service be initiating action against a person or business for offences which also involve breaches of the Police Town Clauses Act 1847, Local Government (Miscellaneous Provisions) Act 1976 or byelaws made in respect of hackney carriages, they may be authorised to initiate proceedings under these acts.

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