

To: Chair & Members of the General
Licensing Committee

The Arc
High Street
Clowne
S43 4JY

Contact: Tom Scott
Telephone: 01246 217045
Email: tom.scott@bolsover.gov.uk

Tuesday 20th July 2021

Dear Councillor

GENERAL LICENSING COMMITTEE

You are hereby summoned to attend a meeting of the General Licensing Committee of Bolsover District Council to be held at the Council Chamber, The Arc, Clowne on Wednesday, 28th July, 2021. **This meeting will begin when the General Licensing Sub Committee meeting (begins at 10am) concludes.**

Whilst COVID restrictions have now been eased, we are still taking social distancing measures where possible for the safety of everyone involved in meetings.

Register of Members' Interests - Members are reminded that a Member must within 28 days of becoming aware of any changes to their Disclosable Pecuniary Interests provide written notification to the Authority's Monitoring Officer.

You will find the contents of the agenda itemised onwards.

Yours faithfully



Solicitor to the Council & Monitoring Officer



We speak your language
Polish **Mówimy Twoim językiem**
Slovak **Rozprávame Vaším jazykom**
Chinese **我们会说你的语言**

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If you require an adjustment to enable you to participate in or access the meeting please contact the Governance Team at least 72 hours before the meeting starts.

**GENERAL LICENSING COMMITTEE
AGENDA**

Wednesday, 28th July, 2021 taking place at the Council Chamber, The Arc, Clowne

***This meeting will begin when the General Licensing Sub Committee meeting
(begins at 10am) concludes.***

Item No.		Page No.(s)
1.	Apologies For Absence	
2.	Urgent Items of Business	
	To note any urgent items of business which the Chairman has consented to being considered under the provisions of Section 100(B) 4(b) of the Local Government Act 1972.	
3.	Declarations of Interest	
	Members should declare the existence and nature of any Disclosable Pecuniary Interest and Non Statutory Interest as defined by the Members' Code of Conduct in respect of:	
	a) any business on the agenda	
	b) any urgent additional items to be considered	
	c) any matters arising out of those items	
	and if appropriate, withdraw from the meeting at the relevant time.	
4.	Minutes	3 - 4
	To consider the minutes of the last meeting held on 5 th November 2020.	
5.	Taxi and Private Hire Policy Review	5 - 150
6.	Mandatory CCTV in Taxis	151 - 181

GENERAL LICENSING COMMITTEE

Minutes of a meeting of the General Licensing Committee of the Bolsover District Council held in the Council Chamber, The Arc, Clowne on Thursday, 5 November 2020 at 11:00 hours.

PRESENT:-

Members:-

Councillor Ray Heffer in the Chair

Councillors Andrew Joesbury (Vice-Chair), Steve Fritchley, David Downes, Paul Cooper, Rose Bowler, Rita Turner, Jane Bryson, Ross Walker, Tracey Cannon and Maxine Dixon.

Officers:- Kevin Shillitto (Solicitor), Debs Cartwright (Solicitor (Contentious Team)), Kevin Rowland (Licensing Team Leader), Alison Bluff (Governance Officer) and Tom Scott (Governance Officer).

GLC1-20/21 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mary Dooley and Peter Roberts.

GLC2-20/21 URGENT ITEMS OF BUSINESS

There was no urgent business to be considered at the meeting.

GLC3-20/21 DECLARATIONS OF INTEREST

There were no declarations made at the meeting.

GLC4-20/21 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - DRAFT SEX ESTABLISHMENT POLICY REVIEW

Committee considered a report which set out the draft Sex Establishment Policy. The draft Policy was attached to the report at Appendix 1.

Following the Committee's consideration of the draft policy a public consultation would take place before the final version of the policy was submitted to Council for adoption.

The draft Policy included:

- An introduction, which set out the Council's approach to sex establishment regulation
- Findings of the public consultation
- Statutory criteria for mandatory and discretionary grounds for refusal of an application
- Details for granting of licences for each type of sex establishment (sexual entertainment venues, sex cinemas and sex shops)
- Details of other legislation relevant to the grant or refusal of a licence

GENERAL LICENSING COMMITTEE

- Specifying exemptions
- Procedures for considering applications, variations, renewals, transfers and revocations
- Interpretation of key terms
- Standards conditions for each type of sex establishment.

Moved by Councillor Steve Fritchley and seconded by Councillor Andrew Joesbury
RESOLVED that the draft Sex Establishment Policy be noted and approved for public consultation.

The meeting concluded at 11:20 hours.

Bolsover District Council

General Licensing Committee

28 July 2021

Taxi and Private Hire Policy Review

Report of the Joint Assistant Director – Environmental Health

Classification: This report is public

Report By: Matt Finn, Service Manager (Environmental Health)

Contact Officer: Charmaine Terry, Environmental Health Team Manager (Licensing)

PURPOSE / SUMMARY

To present to the Committee a periodic review of the Taxi and Private Hire policies and recommend a public consultation be carried out on the proposed amendments.

RECOMMENDATIONS

1. That the Committee note the proposed amendments to the Taxi and Private Hire Policies.
2. That the Committee require the Joint Assistant Director – Environmental Health to carry out a public consultation on the proposed amendments.
3. That the Joint Assistant Director present a further report for consideration by the Committee on the outcome of the Public Consultation in order to consider the renewal of the Taxi and Private Hire Policy.

Approved by the Portfolio Holder - Yes

IMPLICATIONS

Finance and Risk: Yes No

Details:

There will be a minor cost associated with carrying out the consultation. This can be accommodated from existing budgets. Public safety is a paramount consideration of the Council when undertaking its statutory functions in respect of taxi licensing.

Failure to implement any changes in line with statutory guidance could leave the Council open to scrutiny.

On Behalf of the Section 151 Officer

Legal (including Data Protection): **Yes** **No**

Details:

The Council has a statutory obligation to have regard to the Statutory Taxi & Private Hire Vehicle Standards. Having a policy which is clear, fit for purpose and meets statutory guidelines will assist the Council in implementing rules, whilst preventing a legal challenge by way of judicial review, and as such, any associated legal costs.

On Behalf of the Solicitor to the Council

Staffing: **Yes** **No**

Details:

[Click here to enter text.](#)

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: BDC: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input checked="" type="checkbox"/> NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	Yes
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
District Wards Significantly Affected	All
Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet / Executive <input type="checkbox"/> SAMT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input checked="" type="checkbox"/> Other <input type="checkbox"/>	Yes Details: Public consultation

Links to Council Ambition (BDC)/Council Plan (NED) priorities or Policy Framework including Climate Change, Equalities, and Economics and Health implications.

All

REPORT DETAILS

1 **Background** *(reasons for bringing the report)*

- 1.1 The Council has a responsibility for licensing hackney carriages and private hire vehicles, drivers and operators within the district of Bolsover / North East Derbyshire. The service is operated by the Joint Environmental Health Service across the Strategic Alliance with North East Derbyshire / Bolsover District Council. The current policies on these functions (Appendices 1-3) were published in 2018 and are due a periodic review by September 2021.
- 1.2 The Joint Environmental Health Service has conducted an initial review of the policies focussing on learning from experience implementing the new policies since 2018 and routine feedback to officers from the trade, partners and the public during the licensing processes and changes to legal requirements and best practice in the intervening period.

2. **Details of Proposal or Information**

- 2.1 The review has considered a number of areas of improvement to the policy which are required following updated statutory guidance, as well as operational observations from the Joint Service.
- 2.2 The full details of the proposed amendments can be found in Appendix 1, and the existing Driver, Vehicle and Operator Policies in Appendix 2, 3 and 4 respectively.
- 2.3 The amendments do not cover CCTV implementation or fees and charges options, as these may be the subject of separate reports.
- 2.4 In summary the proposals aim to achieve the following:
 - 2.4.1 Ensuring the policies are consistent with statutory guidance (Appendix 5) recommendations;
 - 2.4.2 Increasing the clarity of the policy, to ensure that licence holders and the public have a more detailed understanding of rights and responsibilities, and to ensure that the Joint Environmental Health Service and the Committee can ensure effective decision making;

- 2.4.3 Increasing standards within the sector in relation to disability access and safety in line with the Equality Act 2010;
- 2.4.4 Improve medical assessment standards, fitness assessments for drivers, and cover undiagnosed conditions, to be consistent with other licensing authorities in the region (Appendix 6);
- 2.4.5 Update the policy in respect of legislative and application methods;
- 2.4.6 Ensuring the definitions of criminal offences detailed in the policy are consistent with current legislation;
- 2.4.7 Improve safeguarding standards by requiring more detailed information of drivers assigned to a particular pick –up/job and training for operator’s staff;
- 2.4.8 Increase assurances as to the safety and history of licensed vehicles;
- 2.4.9 Improve customer service standards in the sector by including considerate parking and strengthening the requirements for vehicles to be clean and presentable.

3 Reasons for Recommendation

- 3.1 The Council’s policies require periodic review to ensure they are fit for purpose and consistent with best practice and legal requirements. With any review of the Policy the Council is required to ensure it consults with interested parties, including the trade, businesses, neighbouring authorities, partner organisations and the general public.

4 Alternative Options and Reasons for Rejection

- 4.1 The existing policies could be extended without amendment. However, this would prevent vital amendments to the policy being implemented to ensure the Council is compliant with changes in legislation and guidance. This would also not be consistent with the Council’s approach to policy review.

DOCUMENT INFORMATION

Appendix No	Title
1	Taxi Policy Proposed Amendments
2	Driver Policy
3	Vehicle Policy
4	Operator Policy
5	Statutory Taxi & Private Hire Vehicle Standards
6	Medical Examination Proposals and Local Authority Comparisons

Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)

Linked in the report and relevant appendix.

Taxi and Private Hire Licensing Policy Amendments Proposal – draft for consultation

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Section 1 - Driver Policy			
Item No	Current Policy Wording	Proposed Policy Wording	Reasons for update
1.3	<p><u>BEST PRACTICE GUIDANCE</u></p> <p>The Department for Transport’s Guidance considered views about what constitutes “Best or Good Practice” in terms of hackney carriage and private hire licensing. The Best Practice Guidance has, therefore, been used as an aid in shaping this policy. Regard has also been had to best practice learned from other local authorities.</p>	<p><u>STATUTORY, BEST PRACTICE AND INDUSTRY GUIDANCE</u></p> <p>The Department for Transport has considered views about what constitutes “Best or Good Practice” and how licensing authorities can protect children and vulnerable adults, and has published both best practice (March 2010) and statutory guidance (July 2020).</p> <p>In addition, the Institute of Licensing (Guidance on determining the suitability of applicants and licensees in – hackney and private hire trades), the Local Government Association and other bodies also produce guidance relating to taxi and private hire standards.</p> <p>These documents have been used as an aid in shaping this policy. Regard has also been had to best practice learned from other local authorities.</p>	<p>To take account of the new statutory guidance issued by the Department of Transport and to acknowledge consideration of industry guidance in developing the policy.</p>
1.7	NEW ADDITION	<p><u>POLICY REVIEWS</u></p> <p>This policy will be kept under constant review and may be updated periodically. Minor alterations to the policy may be approved and implemented in consultation with the Chair of the Licensing Committee.</p> <p>The Policy will normally be reviewed every three years.</p>	<p>To clarify timescales for future revisions of the policy</p>
2	<p>Scope</p> <p>In setting out its policy Bolsover District Council seeks to promote the following objectives -</p> <ul style="list-style-type: none"> the protection of public health and safety; 	<p>Scope</p> <p>In setting out its policy Bolsover District Council seeks to promote the following objectives -</p> <ul style="list-style-type: none"> the protection of public health and safety; 	<p>Increased clarity</p>

	<ul style="list-style-type: none"> • the establishment of a professional and respected hackney carriage and private hire trade; • access to an efficient and effective public transport service; and • the protection of the environment. <p>The aim of this policy is to regulate hackney carriage and private hire vehicles in order to promote the above objectives.</p>	<ul style="list-style-type: none"> • the protection of children and vulnerable adults; • the establishment of a professional and respected hackney carriage and private hire trade; • access to an efficient and effective public transport service; and • the protection of the environment. <p>The aim of this policy is to regulate hackney carriage and private hire vehicles in order to promote the above objectives.</p>	
4.3	<p><u>DRIVER TESTS</u></p> <p>A licence to drive a hackney carriage or private hire vehicle will not be granted unless the Council is satisfied that the applicant is a fit and proper person.</p> <p>In order to determine such fitness, applicants will be tested on various aspects of their knowledge and skills in order to help demonstrate that they are safe and suitable to hold a licence. At the present time the theory test</p> <p>A non-refundable fee may be payable per test taken and/or retaken. Fees will not be refunded where a test booking is cancelled with less than 48 hours' notice.</p> <p>Applicants can take no more than three tests in a 12-month period.</p> <p>Applicants will be required to attend Council approved training in respect of both disability access and safeguarding. Drivers of Wheelchair Accessible Vehicles may be required to undergo additional training or examination.</p>	<p><u>DRIVER TESTS</u></p> <p><u>Knowledge Test</u></p> <p>A licence to drive a hackney carriage or private hire vehicle will not be granted unless the Council is satisfied that the applicant is a fit and proper person.</p> <p>In order to determine such fitness, all new applicants will be required to pass a Council approved Knowledge Test. Applicants will be tested on various aspects of their knowledge and skills in order to help demonstrate that they are safe and suitable to hold a licence.</p> <p>A non-refundable fee may be payable per test taken and/or retaken. Fees will not usually be refunded where a test booking is cancelled with less than 48 hours' notice.</p> <p>Applicants who fail three or more theory tests in a 12-month period, will not normally be considered to be a fit and proper person.</p> <p><u>Safeguarding</u></p> <p>It is important that all licence holders have knowledge of safeguarding matters and how to report concerns.</p>	<p>Increased clarity particularly around safeguarding training.</p> <p>Increased standards to ensure drivers are suitably trained in relation to disabled passenger safety. This increased standard will show the authorities commitment to promoting accessible transport services in line with the Equality Act 2010.</p>

		<p>Applicants will be required to attend Council approved training in respect of safeguarding prior to being first licenced and then every three years thereafter.</p> <p><u>Disability Awareness</u></p> <p>It is important that all licence holders have a level of awareness in relation to disabilities and the safe transportation of disabled passengers.</p> <p>Applicants will be required to attend Council approved training in respect of disability awareness prior to being first licenced and then every three years thereafter.</p> <p>Applicants will also be required to undertake a Council approved assessment in respect of the safe loading and transportation of passengers.</p>	
4.4	<p><u>DRIVING PROFICIENCY AND QUALIFICATIONS</u></p> <p>Hackney carriage and private hire drivers are expected to have a higher standard of driving competency than the average driver.</p> <p>All new applicants for hackney carriage and private hire vehicle driver licences may be required to pass such practical examination as the Council determines is appropriate prior to making their application.</p> <p>Existing licensed drivers may be required to take such an assessment, either retrospectively or as part of a disciplinary process, and at their own cost, if it is felt appropriate by the Licensing Committee.</p>	<p><u>DRIVING PROFICIENCY AND QUALIFICATIONS</u></p> <p>Hackney carriage and private hire drivers are expected to have a higher standard of driving competency than the average driver.</p> <p>All new applicants for hackney carriage and private hire vehicle driver licences may be required to pass such practical examination, at their own cost, as the Council determines is appropriate prior to making their application.</p> <p>Existing licensed drivers may be required to take such an assessment, either retrospectively or as part of a disciplinary process, and at their own cost, if it is felt appropriate by the Licensing Committee.</p>	<p>Addition of the words “at their own cost” to the second paragraph to improve clarity.</p>
4.5	<p><u>MEDICAL EXAMINATION</u></p> <p>A medical examination by a General Practitioner (or other suitably qualified medical professional) to assess an applicant’s fitness to drive a licensed vehicle is required before a licence may be granted. Applicants must provide a properly</p>	<p><u>MEDICAL EXAMINATION</u></p> <p>A medical examination by the applicants General Practitioner (or other Council approved medical professional) to assess an applicant’s fitness to drive a licensed vehicle is required before a licence may be granted. Applicants must provide a</p>	<p>Addition of the requirement to use the applicants General Practitioner or a Council approved medical professional. Officers</p>

	<p>certified confirmation that they meet the DVLA Group 2 standard of medical fitness for professional drivers.</p> <p>In addition to a medical examination undertaken at the time of applying, licence holders will be required to produce further medical certificates every 5 years, commencing at the first licence grant/renewal following their 45th birthday.</p> <p>Licence holders over 65 must be examined annually.</p>	<p>properly certified confirmation that they meet the DVLA Group 2 standard of medical fitness for professional drivers.</p> <p>In addition to a medical examination undertaken at the time of applying, licence holders will be required to produce further medical certificates every 5 years.</p> <p>Licence holders over 65 must be examined annually.</p>	<p>have raised concerns regarding the number of medicals which are returned incomplete or without having had access to an applicant's medical history. Asking for a medical certificate from the applicants GP or a Council approved medical professional will give more confidence in the standards of medical examination carried out.</p> <p>Increase of the frequency of medicals for licence holders under the age of 45. Under the current policy some individuals can be licensed for up to 27 years without having a medical check. The increase in frequency would increase confidence in a driver's medical fitness and in public safety. An examination has been carried out of other local authority standards throughout</p>
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			Derbyshire and can be found attached as Appendix 6 to the report.
4.6	<p><u>DISCLOSURE & BARRING SERVICE (DBS) DISCLOSURES</u></p> <p><i><u>DBS Disclosures</u></i></p> <p>An enhanced criminal record check on a driver is an essential safety measure.</p> <p>Applicants for licences are required to disclose all convictions, including those that would otherwise have been regarded as spent under the Rehabilitation of Offenders Act 1974.</p> <p>Failure to declare a conviction or other material fact may result in enforcement action, including immediate suspension or revocation of the licence pending investigation and may result in further legal action up to and including prosecution.</p> <p>Before an application for a driver's licence will be granted, the applicant must provide a current Disclosure & Barring Service (DBS) check carried out via the Licensing Authority.</p> <p>Applicants must apply for the DBS check through the Council and will be charged an appropriate fee. When the applicant for a DBS Disclosure receives the disclosure report at their home address, they will be required to provide the Council with the original certificate.</p> <p>All applicants will also be required to sign up to the DBS Update Service at their own expense and to authorise the Council to carry out status checks using the Service. Licence holders will then be required to maintain the Service at all times while licensed. If the update service lapses they will be required to apply for a new DBS Disclosure and renew their Update Service subscription at</p>	<p><u>DISCLOSURE & BARRING SERVICE (DBS) DISCLOSURES</u></p> <p><i><u>DBS Disclosures</u></i></p> <p>An enhanced criminal record check on a driver is an essential safety measure, particularly for the protection of children and vulnerable adults.</p> <p>Applicants for licences are required to disclose all convictions, including those that would otherwise have been regarded as spent under the Rehabilitation of Offenders Act 1974.</p> <p>Failure to declare a conviction or other material fact may result in enforcement action, including immediate suspension or revocation of the licence pending investigation and may result in further legal action up to and including prosecution.</p> <p>Before an application for a driver's licence will be granted, the applicant must provide a current Disclosure & Barring Service (DBS) enhanced certificate, to the appropriate standard, which includes a check of the barred lists.</p> <p>Applicants must apply for the DBS check through the Council or via a nominated organisation and will be charged an appropriate fee. When the applicant for a DBS Disclosure receives the disclosure certificate at their home address, they will be required to provide the Council with the original certificate.</p> <p>All applicants will also be required to sign up to the DBS Update Service at their own expense. Proof that the applicant has signed up for the update service will be required before a licence is granted. The applicant will, as</p>	<p>Removal of the requirement for all DBS checks to be carried out via the Licensing Authority. This is contradictory when drivers can now join the Update Service and DBS Certificates are portable while the driver is subscribed to the Update Service. There is no reduction in public safety as a result of this change.</p> <p>During the Coronavirus pandemic the council has used a third party company to complete on line DBS checks for us. This has worked well, has often been quicker than the paper based system and does not reduce public safety. The option has been included in the policy</p>

	<p>their own expense. Failure to do so could result in their licence being suspended.</p> <p>Where officers have cause to require that a Licence Holder provides additional DBS checks these must also be provided in a timely fashion and at the Licence Holder's expense. Failure to do so may result in their licence being suspended or referred to the Licensing Sub-Committee for consideration.</p> <p>Applicants will also be required to disclose, where relevant, any enforcement action taken against them by the Traffic Commissioner.</p> <p><u>Overseas Applicants & Those Who Have Lived Abroad</u></p> <p>Any foreign national or applicant who has lived abroad for 6 continuous months or more will be required to produce a document from the relevant Government or Embassy of their country of origin, or last place of residence if more appropriate, which provides a comprehensive criminal record.</p> <p>All costs in respect of this documentation will be borne by the applicant. This document is in addition to the DBS certificate. And must provide contact details of the Government or Embassy in order that officers can verify its authenticity. Certificates of good conduct must be in English or translated at the Applicant's expense.</p> <p>In circumstances where the applicant is unable to provide such a document, or officers have concerns that an individual's record requires closer scrutiny, other methods of verifying an Applicant's history may be required. The application will normally be referred to the Licensing Committee for determination, where the applicant will be given the opportunity to explain his or her circumstances and produce any other relevant documentation in support of the application.</p> <p><u>Confidentiality</u></p>	<p>part of their application, authorise the Council to carry out status checks using the Service at intervals of no more than six months. Licence holders will be required to maintain the Service at all times while licensed. If the update service lapses the licence holder will be required to apply for a new DBS Disclosure and to renew their Update Service subscription at their own expense. Failure to do so could result in their licence being suspended.</p> <p>Where officers have cause to require that a Licence Holder provides additional DBS checks these must also be provided in a timely fashion and at the Licence Holder's expense. Failure to do so may result in their licence being suspended or referred to the Licensing Sub-Committee for consideration.</p> <p><u>Overseas Applicants & Those Who Have Lived Abroad</u></p> <p>DBS certificates do not include foreign offences. Therefore, any foreign national or applicant who has lived abroad for 3 continuous months or more will be required to produce a document from the relevant Government or Embassy of the country where they resided, which provides a comprehensive criminal record.</p> <p>All costs in respect of this documentation will be borne by the applicant. This document is in addition to the DBS certificate. And must provide contact details of the Government or Embassy in order that officers can verify its authenticity. Certificates of good conduct must be in English or translated at the Applicant's expense. Any translation must be certified as accurate.</p> <p>In circumstances where the applicant is unable to provide such a document, or officers have concerns that an individual's record requires closer scrutiny, other methods of verifying an Applicant's history may be required. The application will normally be referred to the Licensing Committee for determination, where the applicant will be given the opportunity to explain his or her circumstances and produce any other relevant documentation in support</p>	<p>for this to continue in the future.</p> <p>The new statutory guidance recommends drivers to sign up to the Update Service and provide proof of doing so to the Council. It also recommends DBS status checks six monthly. At the present time we undertake DBS status checks every 18 months (which is more than many authorities), however we are recommending the checks be increased to six monthly.</p> <p>Wording for overseas applicants amended to improve clarity.</p>
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	<p>The Council is bound by rules of confidentiality and will not divulge information obtained to any third parties unless deemed relevant for public safety or the prevention and/or detection of crime.</p>	<p>of the application. However, the starting position in cases where a certificate of good conduct cannot be provided is that the application should be refused unless there are exceptional reasons that would allow the committee to depart from policy.</p> <p><u>Other matters of interest</u></p> <p>Applicants and licence holders will be required to notify the council of within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. Also failure to disclose an arrest, irrespective of the final outcome, will be treated as a serious breach of condition and will call into question the behaviour and honesty of the person.</p> <p>Applicants will also be required to disclose, where relevant, any enforcement action taken against them by the Traffic Commissioner.</p> <p><u>Confidentiality</u></p> <p>The Council is bound by rules of confidentiality and will not divulge information obtained to any third parties unless deemed relevant for public safety or the prevention and/or detection of crime.</p>	<p>The new statutory guidance recommends that it should be a condition of licence for all drivers to report any circumstances where they have been arrested and released to the council.</p> <p>As some drivers also driver PSV/HGV vehicles it is possible they may have had action taken against them by the Traffic Commissioner. This information could be relevant to a drivers fitness</p>
4.7	<p><u>RELEVANCE OF CONVICTIONS, CAUTIONS & OTHER INTELLIGENCE</u></p> <p>In considering the effect convictions and cautions recorded against applicants, or any other information received about an individual, the Council will apply the policy set out in Appendix B.</p> <p>In assessing whether the applicant is a fit and proper person to hold a licence, the Council will consider each case on its merits. We will take account of cautions, convictions and other intelligence, but only in so far as they</p>	<p><u>RELEVANCE OF CONVICTIONS, CAUTIONS, ARRESTS & OTHER INTELLIGENCE</u></p> <p>In considering the effect convictions and cautions and arrests recorded against applicants, or any other information received about an individual, the Council will apply the policy set out in Appendix B.</p> <p>In assessing whether the applicant is a fit and proper person to hold a licence, the Council will consider each case on its merits. We will take account of cautions, convictions and other intelligence, but only in so far as</p>	<p>The new statutory guidance recommends that it should be a condition of licence for all drivers to report any circumstances where they have been arrested and released to the council</p>

	<p>are relevant to an application for a licence. Upon receipt of a disclosure from the DBS, officers acting under delegated powers will assess whether the information is capable of having real relevance to the issue of whether or not the applicant is a fit and proper person to hold a licence.</p> <p>The Council will have regard to the type and age of the offence or allegation, and the age of the applicant when the offence occurred, when considering their relevance to an application. Regard will also be given to the apparent seriousness of the behaviour, as indicated by the penalty.</p> <p>Where officers have no concerns over an applicant's record they shall grant the licence using delegated powers. Where officers are not satisfied the applicant is clearly fit and proper they shall refer the application to Licensing Committee for determination.</p> <p>Where drivers have been licensed prior to the adoption of this policy, and they no longer meet the standards expected as a result, their fitness to hold a licence will be reassessed against those revised standards. Where there is concern that an individual no longer meets the standard of a fit and proper person they will be referred to Licensing Committee for consideration.</p>	<p>they are relevant to an application for a licence. Upon receipt of a disclosure from the DBS, officers acting under delegated powers will assess whether the information is capable of having real relevance to the issue of whether or not the applicant is a fit and proper person to hold a licence.</p> <p>The Council will have regard to the type and age of the offence or allegation, and the age of the applicant when the offence occurred, when considering their relevance to an application. Regard will also be given to the apparent seriousness of the behaviour, as indicated by the penalty.</p> <p>Where officers have no concerns over an applicant's record they shall grant the licence using delegated powers. Where officers are not satisfied the applicant is clearly fit and proper they shall refer the application to Licensing Committee for determination.</p> <p>Where drivers have been licensed prior to the adoption of this policy, and they no longer meet the revised fitness standards, their fitness to hold a licence will be reassessed against the revised standards. Where there is concern that an individual no longer meets the standard of a fit and proper person they will be referred to Licensing Committee for consideration.</p>	
4.8	<p><u>APPLICATION PROCEDURE</u></p> <p>An application for a hackney carriage or private hire driver's licence must be made on the specified application form and be accompanied by all necessary supporting documentation. The application shall not be considered complete until all required information has been submitted.</p>	<p><u>APPLICATION PROCEDURE</u></p> <p>An application for a hackney carriage or private hire driver's licence must be made electronically via the Council's website and be accompanied by all necessary supporting documentation. The application shall not be considered complete until all required information has been submitted and the appropriate fee paid.</p>	Updated to reflect applications are now made electronically.
4.9	<p><u>DURATION & RENEWAL OF LICENCES</u></p> <p>The Council will issue licences for a period of 3 years unless circumstances are such that a shorter period is appropriate.</p>	<p><u>DURATION & RENEWAL OF LICENCES</u></p> <p>The Council will issue licences for a period of 3 years unless circumstances are such that a shorter period is appropriate.</p>	Updated to reflect applications are now made electronically and for clarification.

	<p>In cases of new applicants and renewals, if requested documents are not forthcoming within 6 months, an application will be returned as incomplete and a new application will need to be made. However the Licensing Committee may extend this period in exceptional circumstances.</p> <p>Applications for renewal must be submitted sufficiently far in advance of the expiry of the previous licence. It is recommended that applications for renewal are submitted by return on receipt of a renewal letter, or in any event not less than 3 months prior to the current badge expiry date.</p> <p>NB If no renewal letter is received. IT IS THE DRIVER'S RESPONSIBILITY TO BE AWARE OF THE DATE OF EXPIRY OF HIS LICENCE. If the driver believes he has not received his renewal letter at least TEN weeks before the expiry date they should contact the licensing department without delay. The Authority offers no guarantee that a Drivers Badge renewal letter will be received by licence holders and accepts no responsibility where this occurs.</p> <p>It is the responsibility of the applicant to ensure all applications are submitted in time with all supporting documentation. Late applications cannot be guaranteed to be renewed before the previous licence expires. If the application is not submitted in time the driver will not be authorised to drive a hackney carriage or private hire vehicle, once the previous licence expires, until a new licence is granted. If the previous licence expires the applicant will have to make an application for a new licence, not a renewal. Late applications may only be accepted in exceptional circumstances, and documentary evidence to explain those circumstances will be required.</p>	<p>In cases of new applicants and renewals, if supporting documents are not forthcoming within 6 months, an application will be returned as incomplete and a new application will need to be made. However the Licensing Committee may extend this period in exceptional circumstances.</p> <p>Applications for renewal must be submitted electronically via the Council's website and sufficiently far in advance of the expiry of the previous licence. It is recommended that applications for renewal are submitted no less than 3 months prior to the current badge expiry date.</p> <p>NB: The Council will endeavour to issue a renewal reminder at least three months prior to the expiry of the licence. However, if no renewal letter is received, IT IS THE DRIVER'S RESPONSIBILITY TO BE AWARE OF THE DATE OF EXPIRY OF HIS LICENCE and to apply to renew the licence in a timely.</p> <p>The Authority offers no guarantee that a driver licence renewal letter will be received by licence holders and accepts no responsibility where this occurs.</p> <p>As a professional driver it is the responsibility of the applicant to ensure all applications are submitted in time together with all supporting documentation. Late applications cannot be guaranteed to be renewed before the previous licence expires. If the application is not submitted in time the driver will not be authorised to drive a hackney carriage or private hire vehicle, once the previous licence expires, until a new licence is granted.</p> <p>If the previous licence expires prior to the submission of a renewal application the applicant will have to make an application for a new licence, not a renewal, and will have to complete the normal tests and checks required for new applicants. Late applications may only be accepted in</p>	
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		exceptional circumstances, and satisfactory documentary evidence to explain those circumstances will be required.	
4.10	<u>CONDITIONS OF LICENCE</u> The conditions set out in Appendix C are reasonably necessary and appropriate for all licensed drivers. They conditions will form part of all combined and private hire vehicle driver's licences.	<u>CONDITIONS OF LICENCE</u> The conditions set out in Appendix C are reasonably necessary and appropriate for all licensed drivers. The conditions will form part of all combined and private hire vehicle driver's licences.	Spelling correction
4.11	<u>CONVICTIONS</u> Where offences, leading to conviction or caution, are committed by licensed drivers, it is important in the interests of consistency and transparency, that a procedure should be in place to consider what effect this should have on their hackney or private hire driver's licence. Further detail is set out in the Taxi Licensing Policy: Enforcement document. Licensed drivers who are convicted or cautioned for any offence, including fixed penalties, must disclose the conviction/caution and the penalty involved to the Council within 72 hours.	<u>ARRESTS AND CONVICTIONS</u> Where offences may have been committed, leading to arrest, conviction or caution, by licensed drivers or applicants for licences, it is important in the interests of consistency and transparency that a procedure should be in place to consider what effect this should have on their hackney or private hire driver's licence. Further detail is set out in the Taxi Licensing Policy: Enforcement document. Licensed drivers who are arrested, convicted or cautioned for any offence, including fixed penalties, must disclose the arrest/conviction/caution and the penalty involved, if any, to the Council within 72 hours.	The new statutory guidance recommends that it should be a condition of licence for all drivers to report any circumstances where they have been arrested and released to the council.
4.13	NEW ADDITION	<u>REVIEW OF CURRENT LICENCES ISSUED</u> Where a significant policy review takes place which introduces new standards which could have an impact on public safety the licensing authority may review existing licences with a view to revoking licences where the licence holder no longer meets the required standards set out in the revised policy or may suspend a licence while the licence holder proves they meet the required standard (this may include undertaking additional training). Each case will be dealt with on its own merits.	This currently takes place and has been added to the policy for clarification.
Appendix A – The consideration of applications			
1.	Upon receipt of a properly made application form, an officer of the Licensing Section of the Council shall consider the	Upon receipt of a properly made electronic application, an officer of the Licensing Section of the Council shall	Updated to reflect applications are now

	application. Where the application is incomplete, it will not be considered until all the missing details or documents are supplied. If the application remains incomplete for 6 months, the application may be returned as incomplete and a new application may need to be made.	consider the application. Where the application is incomplete, it will not be considered until all the missing details or documents are supplied. If the application remains incomplete for 6 months, the application will be returned as incomplete and a new application may need to be made.	made electronically and for clarification.
6.	At the Licensing Committee meeting the Council's hearing procedure will be followed. The applicant will be informed of the decision immediately at the conclusion of the hearing, with written decision notices to follow where appropriate.	At the Licensing Committee meeting the Council's hearing procedure will be followed. The applicant will be offered the opportunity to address the committee and will be informed of the decision immediately at the conclusion of the hearing, with written decision notices to follow where appropriate.	Updated for clarity.
Appendix B - Relevance of convictions			
1.3	<p>Considering Criminal Records</p> <p>Listed below are some general principles relating to the determination of applications for drivers and operators which will generally be followed where convictions are admitted or otherwise identified.</p> <p>In this guidance the word "conviction" is includes convictions, cautions, warnings, reprimands, fixed penalty notices and other relevant information, including any enforcement action taken by other local authorities or the Traffic Commissioner. For custodial sentences the term "from date sentence has ended" is taken to be the date which is reached once the whole of the period as sentenced by the court has elapsed and not necessarily the length of time served by the applicant. If the sentence is amended by a court at a later date then this new sentence becomes relevant for the purposes of this policy. For non-custodial offences the relevant date will be the date of sentencing.</p> <p>Whilst the Council may consider that a person with a conviction for a serious offence may not need to be automatically barred from obtaining a licence, it is however to be normally expected that the applicant would be required to:</p>	<p>Considering Criminal Records</p> <p>Listed below are some general principles relating to the determination of applications for drivers and operators which will generally be followed where convictions are admitted or otherwise identified.</p> <p>In this guidance the word "conviction" is includes, arrests, convictions, cautions, warnings, reprimands, fixed penalty notices and other relevant information, including any enforcement action taken by other local authorities or the Traffic Commissioner.</p> <p>For custodial sentences the term "from date sentence has ended" is taken to be the date which is reached once the whole of the period as sentenced by the court has elapsed and not necessarily the length of time served by the applicant. If the sentence is amended by a court at a later date then this new sentence becomes relevant for the purposes of this policy. For non-custodial offences the relevant date will be the date of sentencing.</p> <p>Whilst the Council may consider that a person with a conviction for a serious offence may not need to be automatically barred from obtaining a licence, it is</p>	The new statutory guidance recommends that it should be a condition of licence for all drivers to report any circumstances where they have been arrested and released to the council.

	<ul style="list-style-type: none"> • Remain free of conviction for an appropriate period as detailed below; and • Show adequate evidence that they are a fit and proper person to hold a licence (the onus will be on the applicant to produce such evidence). <p>NB Solely remaining free of conviction may not necessarily be adequate evidence that a person is a fit and proper person to hold a licence.</p>	<p>however to be normally expected that the applicant would be required to:</p> <ul style="list-style-type: none"> • Remain free of conviction for an appropriate period as detailed below; and • Show adequate evidence that they are a fit and proper person to hold a licence (the onus will be on the applicant to produce such evidence). <p>NB Solely remaining free of conviction may not necessarily be adequate evidence that a person is a fit and proper person to hold a licence.</p>	
1.5	<p>Non-conviction information</p> <p>If an applicant has on one occasion, been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration should be given to refusing the application if the evidence supports this. In assessing the action to take, the safety of the public must be the paramount concern.</p> <p>Where an applicant has had a Hackney Carriage/Private hire driver's licence revoked by any local authority, the Council will not normally grant a licence until at least twelve months has elapsed since the revocation. The applicant's previous licensing authority may be contacted for details of why the licence was revoked. Enquiries will be made of the National Register of Taxi Licence Revocations and Refusals.</p>	<p>Non-conviction information</p> <p>If an applicant has been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration should be given to refusing the application if the evidence supports this. In assessing the action to take, the safety of the public must be the paramount concern.</p> <p>Where an applicant has had a Hackney Carriage/Private hire driver's licence revoked by any local authority, the Council will not normally grant a licence until at least twelve months has elapsed since the revocation. The applicant's previous licensing authority may be contacted for details of why the licence was revoked. Enquiries will be made of the National Register of Taxi Licence Revocations and Refusals.</p>	Updated for clarity
2	<p><u>OFFENCES</u></p> <p>The following guidance applies to new applicants and those cases where a licence holder is convicted during the period of their current licence.</p> <p>All categories below are non-exhaustive, and include any similar offences (including attempted or conspiracy to commit) and any offences which replace those specified.</p>	<p><u>OFFENCES</u></p> <p>The following guidance applies to new applicants, those cases where a licence holder is convicted during the period of their current licence and for all drivers when they renew their licences.</p> <p>All categories below are non-exhaustive, and include any similar offences (including attempted or conspiracy to commit) and any offences which replace those specified.</p>	The statutory guidance recommends that where the fitness standard is updated all existing drivers should meet the new policy. While we already do this at the

			point of renewal the policy has been updated to reflect current practices.
2.1	<p>Serious offences against the person</p> <p>Licensed drivers have close regular contact with the public. A firm line will be taken with those who have convictions for offences involving violence.</p> <p>An application will normally be refused if the applicant has a conviction for an offence that involved the loss of life.</p> <p>Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for an offence such as:</p> <ul style="list-style-type: none"> • Murder • Manslaughter • Manslaughter or culpable homicide while driving • Terrorism offences • Kidnapping or abduction <p>A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) to those below unless at least 10 years have passed since the completion of any sentence and /or licence period:</p> <ul style="list-style-type: none"> • Arson • Malicious wounding or grievous bodily harm which is racially aggravated • Actual bodily harm which is racially aggravated • Grievous bodily harm with intent 	<p>Serious offences against the person</p> <p>Licensed drivers have close regular contact with the public. A firm line will be taken with those who have convictions for offences involving violence.</p> <p>An application will normally be refused if the applicant has a conviction for an offence that involved the loss of life.</p> <p>Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for an offence such as:</p> <ul style="list-style-type: none"> • Murder • Manslaughter • Manslaughter or culpable homicide while driving • Terrorism offences • Kidnapping or abduction <p>A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) to those below unless at least 10 years have passed since the completion of any sentence and /or licence period:</p> <ul style="list-style-type: none"> • Arson • Malicious wounding or grievous bodily harm • Actual bodily harm which is racially aggravated • Robbery 	Offences relating to hate crime updated for clarity.

	<ul style="list-style-type: none"> • Robbery • Possession of firearm • Riot • Assault Police • Common assault which is racially aggravated • Violent disorder • Threats to kill • Resisting arrest • Hate crime against a person • Modern slavery <p>A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the offences below unless at least 5 years have passed since the completion of any sentence and/or licence period:</p> <ul style="list-style-type: none"> • Racially-aggravated criminal damage • Racially-aggravated offence • Hate crime against property <p>A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the offences below, and unless at least 3 years have passed since the completion of any sentence and/or licence period:</p> <ul style="list-style-type: none"> • Common assault/Battery • Assault occasioning actual bodily harm • Affray 	<ul style="list-style-type: none"> • Possession of firearm • Riot • Assault Police • Violent disorder • Threats to kill • Resisting arrest • Hate crime* against a person (including all forms of assault) • Modern slavery <p>A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the offences below unless at least 5 years have passed since the completion of any sentence and/or licence period:</p> <ul style="list-style-type: none"> • Hate crime* against property <p>*Hate crime in the above sections is defined as offences where an aggravating feature is that the offence was motivated by any qualifying characteristic pursuant to the Equalities Act 2010.</p> <p>A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the offences below, and unless at least 3 years have passed since the completion of any sentence and/or licence period:</p> <ul style="list-style-type: none"> • Common assault/Battery • Assault occasioning actual bodily harm • Affray • S5 Public Order Act 1986 offence (harassment, alarm or distress) 	
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	<ul style="list-style-type: none"> • S5 Public Order Act 1986 offence (harassment, alarm or distress) • S.4 Public Order Act 1986 offence (fear of provocation of violence) • S4A Public Order Act 1986 offence (intentional harassment, alarm or distress) • Obstruction • Criminal damage • Harassment • Offences involving anti-social behaviour <p>A licence will not normally be granted if an applicant has <u>more than one</u> conviction for an offence of a violent nature.</p> <p>NB All violent offences will be treated in accordance with the above guidance and will not be considered any differently because they occur in the context of domestic violence or abuse.</p>	<ul style="list-style-type: none"> • S.4 Public Order Act 1986 offence (fear of provocation of violence) • S4A Public Order Act 1986 offence (intentional harassment, alarm or distress) • Obstruction • Criminal damage • Harassment • Offences involving anti-social behaviour <p>A licence will not normally be granted if an applicant has <u>more than one</u> conviction for an offence of a violent nature.</p> <p>NB All violent offences will be treated in accordance with the above guidance and will not be considered any differently because they occur in the context of domestic violence or abuse.</p>	
2.3	<p>Sexual and indecency offences</p> <p>As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinised. All sexual offences should be considered as serious. Applicants with convictions for sexual offences will be refused a licence upon application/renewal or review. Existing licence holders will have their licence immediately revoked.</p> <p>Such offences include:</p> <ul style="list-style-type: none"> • Rape • Assault by penetration • Offences involving children or vulnerable adults 	<p>Sexual and indecency offences</p> <p>As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinised. All sexual offences should be considered as serious. Applicants with convictions for sexual offences will be refused a licence upon application/renewal or review. Existing licence holders will have their licence immediately revoked.</p> <p>Such offences include:</p> <ul style="list-style-type: none"> • Rape • Assault by penetration • Offences involving children or vulnerable adults 	Final paragraph updated for clarity

	<ul style="list-style-type: none"> • Grooming, Trafficking or other Sexual Exploitation related offences (adults and/or children) • Making or distributing obscene material • Possession of images depicting child sexual abuse. • Sexual assault • Indecent assault • Exploitation of prostitution <p>In relation to indecency offences, an applicant should be free of conviction for at least 5 years (or at least 5 years must have passed since the completion of the sentence, whichever is longer), if he / she has a conviction for an offence such as:</p> <ul style="list-style-type: none"> • Making indecent telephone calls • Importuning • Indecent exposure • Soliciting (kerb crawling) • Any offence occurring in the context of domestic violence <p>A licence will not be granted if an applicant has <u>more than one</u> conviction for an indecency offence.</p> <p>In addition to the above the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or any other similar register.</p>	<ul style="list-style-type: none"> • Grooming, Trafficking or other Sexual Exploitation related offences (adults and/or children) • Making or distributing obscene material • Possession of images depicting child sexual abuse. • Sexual assault • Indecent assault • Exploitation of prostitution <p>In relation to indecency offences, an applicant should be free of conviction for at least 5 years (or at least 5 years must have passed since the completion of the sentence, whichever is longer), if he / she has a conviction for an offence such as:</p> <ul style="list-style-type: none"> • Making indecent telephone calls • Importuning • Indecent exposure • Soliciting (kerb crawling) • Any offence occurring in the context of domestic violence <p>A licence will not be granted if an applicant has <u>more than one</u> conviction for an indecency offence.</p> <p>In addition to the above the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register, Disclosure and Barring Service Barred Lists or any other similar register.</p>	
2.5	<p>Alcohol & Drugs</p> <p>An isolated conviction for drunkenness need not debar an applicant from gaining a licence. In some cases, a warning</p>	<p>Alcohol & Drugs</p> <p>An isolated conviction for drunkenness need not debar an applicant from gaining a licence. In some cases, a</p>	<p>Updated for clarification around drug related offences, including where a</p>

	<p>may be appropriate. However, a number of convictions for drunkenness, including drunk and disorderly or drunk and incapable, could indicate a medical problem necessitating critical examination and refusal of licence.</p> <p>In addition, the applicant will normally be required to show a period of 10 years has elapsed after completion of detoxification treatment if (s)he was an alcoholic.</p> <p>A serious view is taken of any drug related offence. The nature and quantity of the drugs, whether for personal use or supply are issues which should be considered.</p> <p>A licence will not normally be granted where the applicant has more than one conviction for offences related to the supply of drugs and has not been free of conviction for 10 years.</p> <p>A licence will not normally be granted where the applicant has more than one conviction for offences related to the possession of drugs and has not been free of conviction for 5 years.</p> <p>An application from an applicant who has an isolated conviction for an offence related to the possession of drugs within the last 3-5 years may be granted a licence, but consideration should be given to the nature and quantity of the drugs.</p> <p>If there is evidence of persistent drug use, misuse or dependency, a specialist examination (in accordance with the DVLA group two medical standards) may be required before the licence is granted. If the applicant was an addict then they would normally be required to show evidence of 5 years free from drug taking after detoxification treatment.</p>	<p>warning may be appropriate. However, a number of convictions for drunkenness, including drunk and disorderly or drunk and incapable, could indicate a medical problem necessitating critical examination and refusal of licence.</p> <p>In addition, the applicant will normally be required to show a period of 10 years has elapsed after completion of detoxification treatment if (s)he was an alcoholic.</p> <p>A serious view is taken of any drug related offence. The nature and quantity of the drugs, whether for personal use or supply are issues which should be considered.</p> <p>A licence will not normally be granted where the applicant has a conviction for offences related to the supply of drugs and has not been free of conviction for 10 years.</p> <p>A licence will not normally be granted where the applicant has a conviction for offences related to the possession of drugs and has not been free of conviction for 5 years.</p> <p>An application from an applicant who has an isolated conviction for an offence related to the possession of drugs within the last 3-5 years may be granted a licence, but consideration should be given to the nature and quantity of the drugs.</p> <p>A licence will not normally be granted to an applicant where they have more than one conviction for a drug related offence.</p> <p>If there is evidence of persistent drug use, misuse or dependency, a specialist examination (in accordance with the DVLA group two medical standards) may be required before the licence is granted. If the applicant was an addict then they would normally be required to show evidence of 5 years free from drug taking after detoxification treatment.</p>	<p>person has more than one conviction for a drug related offence.</p>
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2.7	<p>Driving offences involving alcohol and/or drugs</p> <p>A serious view will be taken of convictions of driving, or attempting to drive, or being in charge of a vehicle while under the influence of drink or drugs. Where a disqualification has occurred as a result of a drug or drink-driving offence, at least 5 years free of conviction should elapse after the restoration of the DVLA licence before an applicant is granted a licence.</p> <p>More than one conviction for this type of offence or one such offence within the last 5 years is likely to merit refusal.</p> <p>In addition, applicants will normally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if (s)he was an alcoholic or drug addict.</p>	<p>Driving offences involving alcohol and/or drugs</p> <p>A serious view will be taken of convictions of driving, or attempting to drive, or being in charge of a vehicle while under the influence of drink or drugs. Where a disqualification has occurred as a result of a drug or drink-driving offence, at least 5 years free of conviction should elapse after the restoration of the DVLA licence before an applicant is granted a licence.</p> <p>More than one conviction for this type of offence will normally merit refusal.</p> <p>In addition, applicants will normally be required to show a period of at least 10 years has elapsed after completion of detoxification treatment if (s)he was an alcoholic or drug addict.</p>	<p>Updated for clarification</p> <p>Final paragraph updated to remove ambiguity (see paragraph 2.5)</p>
2.8	<p>Major Traffic Offences</p> <p>A non-exhaustive list of traffic offences can be found in Appendix D.</p> <p>Subject to the above paragraphs an isolated conviction for a major traffic offence, without disqualification, such as dangerous driving or driving without due care and attention will require careful consideration of the facts and will at the very least merit a warning as to future driving and advice on the standard expected of hackney carriage and private hire drivers. However, where the conviction is within 6 months prior to the date of the application the application will normally be refused.</p> <p>In cases of disqualification at least 3 years free from conviction after the restoration of the DVLA licence should normally elapse before an applicant is granted a licence.</p> <p>Where an applicant has been convicted of a major traffic offence which has not resulted in disqualification, careful consideration should be given to the circumstances surrounding the offence. An application for a licence will</p>	<p>Major Traffic Offences</p> <p>A non-exhaustive list of traffic offences can be found in Appendix D.</p> <p>Subject to the above paragraphs an isolated conviction for a major traffic offence, without disqualification, such as dangerous driving or driving without due care and attention will require careful consideration of the facts and will at the very least merit a warning as to future driving and advice on the standard expected of hackney carriage and private hire drivers. However, where the conviction occurred within the last 2 years prior to the date of the application the application will normally be refused.</p> <p>In cases of disqualification at least 3 years free from conviction after the restoration of the DVLA licence should normally elapse before an applicant is granted a licence.</p> <p>Where an existing licence holder is convicted of a major traffic offence, irrespective of whether or not they are disqualified from driving, the licence should normally be revoked or not renewed and any subsequent application</p>	<p>Updated to remove ambiguity and to clarify requirements relating to major traffic offences</p>

	<p>normally be refused where the offence occurred less than 2 years prior to the application.</p> <p>Where an existing licence holder is disqualified from driving as a result of a conviction for a major traffic offence, the licence will normally be revoked.</p> <p>Where an existing licence holder is convicted of a major traffic offence, but the licence-holder is not disqualified from driving, the licence should normally be revoked or not renewed and any subsequent application for a new licence will be determined in accordance with the guidance above.</p>	for a new licence will be determined in accordance with the guidance above.	
2.13	<p>Plying For Hire</p> <p>Any applicant who has committed an offence of plying for hire within the 6 months preceding their application will normally be refused a licence. Any existing licence holder found to have committed this offence will be judged on the circumstances if the case, and at the least suspension of the licence should be considered. Where a driver is convicted on more than one occasion the licence will be revoked or not granted. Consideration will be taken of whether at the time there was no insurance cover in place for the vehicle. It will be up to the applicant to prove that there was valid insurance in place at the time of the offence.</p>	<p>Plying For Hire</p> <p>Any applicant who has committed an offence of plying for hire within the 6 months preceding their application will normally be refused a licence. Any existing licence holder found to have committed this offence will be judged on the circumstances if the case, and normally a minimum suspension of 6 months should be considered. Where a driver is convicted on more than one occasion the licence will be revoked or not granted. Consideration will be taken of whether at the time there was no insurance cover in place for the vehicle. It will be up to the applicant to prove that there was valid insurance in place at the time of the offence.</p>	Updated to remove ambiguity between new applicants and existing drivers.
APPENDIX C – PRIVATE HIRE DRIVER’S LICENCE CONDITIONS			
1.2	The driver shall behave in a civil, polite and orderly manner and shall take all reasonable precautions to ensure the safety of persons using the vehicle.	The driver shall behave in a civil, polite and orderly manner and shall take all reasonable precautions to ensure the safety of passengers, other road users and the public.	Updated to broaden the condition to include other road users and the public.
2.1	<p><u>FITNESS OF DRIVER</u></p> <p>The driver must not drive any private hire vehicle if they know of any medical condition which may affect their driving ability and the health and safety of themselves and/or any passengers. The driver must contact the Council immediately if this happens.</p>	<p><u>FITNESS OF DRIVER</u></p> <p>The driver must not drive any private hire vehicle if they suspect or know of any medical condition which may affect their driving ability and the health and safety of themselves and/or others. The driver must notify the Council immediately if this happens.</p>	Updated to broaden the condition to include undiagnosed conditions and to include safety of others and to

4.7	The driver must notify the Council, within 7 days, of any conviction or caution for an offence, or of any fixed penalty imposed on him/her whilst the licence is in force. Failure to disclose a conviction may result in an immediate licence suspension, pending investigation.	The driver must notify the Council, within 7 days, of any arrest, conviction or caution for an offence, or of any fixed penalty imposed on him/her whilst the licence is in force. Failure to disclose a conviction may result in an immediate licence suspension, pending investigation.	The new statutory guidance recommends that it should be a condition of licence for all drivers to report any circumstances where they have been arrested and released to the council.
7.3	A driver must carry assistance dogs if required. Assistance dogs include Guide Dogs for the Blind or partially sighted, hearing dogs for the hard of hearing and other assistance dogs which assist disabled people with a physical impairment. This includes dogs in training for such roles.	A driver must carry assistance dogs if required. Assistance dogs include guide dogs for the blind or partially sighted, hearing dogs for the hard of hearing and other assistance dogs which assist disabled people with a physical or mental impairment. This includes dogs in training for such roles.	Slight clarification in wording and grammar.

Section 2 - Operator Policy			
Item No	Current Policy Wording	Proposed Policy Wording	Reasons for update
1.3	<p><u>BEST PRACTICE GUIDANCE</u></p> <p>The Department for Transport's Guidance considered views about what constitutes "Best or Good Practice" in terms of hackney carriage and private hire licensing. The Best Practice Guidance has, therefore, been used as an aid in shaping this policy. Regard has also been had to best practice learned from other local authorities.</p>	<p><u>STATUTORY, BEST PRACTICE AND INDUSTRY GUIDANCE</u></p> <p>The Department for Transport has considered views about what constitutes "Best or Good Practice" and how licensing authorities can protect children and vulnerable adults, and has published both best practice (March 2010) and statutory guidance (July 2020).</p> <p>In addition, the Institute of Licensing (Guidance on determining the suitability of applicants and licensees in – hackney and private hire trades), the Local Government Association and other bodies also produce guidance relating to taxi and private hire standards.</p> <p>These documents have been used as an aid in shaping this policy. Regard has also been had to best practice learned from other local authorities.</p>	<p>To take account of the new statutory guidance issued by the Department of Transport and to acknowledge consideration of industry guidance in developing the policy.</p>
1.7	NEW ADDITION	<p><u>POLICY REVIEWS</u></p> <p>This policy will be kept under constant review and may be updated periodically. Minor alterations to the policy may be approved and implemented in consultation with the Chair of the Licensing Committee.</p> <p>The Policy will normally be reviewed every three years.</p>	<p>To clarify timescales for future revisions of the policy</p>
2	<p>Scope</p> <p>In setting out its policy Bolsover District Council seeks to promote the following objectives -</p> <ul style="list-style-type: none"> • the protection of public health and safety; • the establishment of a professional and respected hackney carriage and private hire trade; 	<p>Scope</p> <p>In setting out its policy Bolsover District Council seeks to promote the following objectives -</p> <ul style="list-style-type: none"> • the protection of public health and safety; • the protection of children and vulnerable adults; 	<p>Increased clarity</p>

	<ul style="list-style-type: none"> • access to an efficient and effective public transport service; and • the protection of the environment. <p>The aim of this policy is to regulate hackney carriage and private hire vehicles in order to promote the above objectives.</p>	<ul style="list-style-type: none"> • the establishment of a professional and respected hackney carriage and private hire trade; • access to an efficient and effective public transport service; and • the protection of the environment. <p>The aim of this policy is to regulate hackney carriage and private hire vehicles in order to promote the above objectives.</p>	
4.1.2	Criminal Record Checks & Safeguarding <p>Where the applicant is a company or partnership, every director, partner or person with day to day control of that company or partnership (where appropriate) will be required to submit the information required above.</p>	<p>Where the applicant is a company or partnership, every director, partner or person with day to day control of that company or partnership (where appropriate) will be required to submit the information required above. Where there is a change of director, partner or person with day to day control any incoming person will also need to provide the information.</p>	<p>The new statutory guidance recommends that the requirement for a DBS should apply to any change of persons in control</p>
4.1.2	NEW ADDITION	<p><u>Overseas Applicants & Those Who Have Lived Abroad</u></p> <p>DBS certificates do not include foreign offences. Therefore, any foreign national or applicant who has lived abroad for 6 continuous months or more will be required to produce a document from the relevant Government or Embassy of the country where they resided, which provides a comprehensive criminal record.</p> <p>All costs in respect of this documentation will be borne by the applicant. This document is in addition to the DBS certificate. And must provide contact details of the Government or Embassy in order that officers can verify its authenticity. Certificates of good conduct must be in English or translated at the Applicant's expense. Any translation must be certified as accurate.</p>	<p>The new statutory guidance recommends that the requirement to obtain a certificate of good conduct for applicants who have lived abroad is extended to operators</p>

		In circumstances where the applicant is unable to provide such a document, or officers have concerns that an individual's record requires closer scrutiny, other methods of verifying an Applicant's history may be required. The application will normally be referred to the Licensing Committee for determination, where the applicant will be given the opportunity to explain his or her circumstances and produce any other relevant documentation in support of the application. However, the starting position in cases where a certificate of good conduct cannot be provided is that the application should be refused unless there are exceptional reasons that would allow the committee to depart from policy.	
Appendix A – Operator Licence Conditions			
1	<p><u>STANDARDS OF SERVICE</u></p> <p>The operator shall:</p> <ul style="list-style-type: none"> • Provide a prompt, efficient and reliable service to members of the public at all reasonable times. • Ensure that employed staff act in a civil and orderly manner at all times. • Ensure, when a vehicle has been hired, that it arrives punctually at the appointed place, unless delayed by unavoidable circumstances beyond their control. If delays are lengthy, the driver/operator should contact the hirer to inform them. • Ensure that premises provided for the purpose of booking or waiting are kept clean and are adequately lit, heated and ventilated. • Ensure that any waiting area provided has adequate seating facilities. 	<p><u>STANDARDS OF SERVICE</u></p> <p>The operator shall:</p> <ul style="list-style-type: none"> • Provide a prompt, efficient and reliable service to members of the public at all reasonable times. • Ensure that employed staff act in a civil and orderly manner at all times. • Ensure, when a vehicle has been hired, that it arrives punctually at the appointed place, unless delayed by unavoidable circumstances beyond their control. If delays are lengthy, the driver/operator should contact the hirer to inform them. • Ensure that premises provided for the purpose of booking or waiting are kept clean and are adequately lit, heated and ventilated. 	<p>Addition of a condition relating to considerate parking.</p> <p>Adding this condition strengthens the authorities' ability to enforce complaints of this nature.</p> <p>Strengthening of the vehicle standards condition to include clean and presentable.</p>

	<ul style="list-style-type: none"> • Ensure compliance with legislation regarding the length of working hours. • Take all reasonable steps to ensure drivers are fit and suitable. • Take all reasonable steps to ensure vehicles are safe and roadworthy. 	<ul style="list-style-type: none"> • Ensure that any vehicles parked outside the operating address are parked in accordance with any restrictions and are not causing a nuisance to others. • Ensure that any waiting area provided has adequate seating facilities. • Ensure compliance with legislation regarding the length of working hours. • Take all reasonable steps to ensure drivers are fit and suitable. • Take all reasonable steps to ensure vehicles are clean, presentable, safe and roadworthy. 	
2.1	<p><u>BOOKING RECORDS</u></p> <p>Prior to each journey, the operator shall enter the following details of every booking of a private hire vehicle accepted:</p> <ul style="list-style-type: none"> • the date and time of the booking • the name of the hirer • the name of the person taking the booking • the time of pick up • the address of pick up • the destination (unless automatically recorded by GPS) • the time at which a driver was allocated to the booking • the plate number (or other identification) of the vehicle allocated • the fare quoted • any sub-contracting arrangements 	<p><u>BOOKING RECORDS</u></p> <p>Prior to each journey, the operator shall enter the following details of every booking of a private hire vehicle accepted:</p> <ul style="list-style-type: none"> • the date and time of the booking • the name of the hirer • the name of the person taking the booking • the time of pick up • the address of pick up • the destination (unless automatically recorded by GPS) • the name of the driver whom was allocated to the booking • the licence number of the driver whom was allocated to the booking • the time at which a driver was allocated to the booking • the plate number (or other identification) of the vehicle allocated • the fare quoted • any sub-contracting arrangements 	<p>Addition of need to record the name and licence number of the driver who was allocated to the booking.</p>

3	<p>COMPLAINTS</p> <p>The operator shall keep a written record of all complaints received and what action, if any, has been taken or proposed as a result.</p> <p>The operator shall inform the Council immediately of any complaints deemed to be serious, including (but not limited to) safeguarding, discrimination, dishonesty, violence, public safety, alcohol, drugs, indecency, medical conditions etc.</p>	<p>COMPLAINTS & INFORMATION</p> <p>The operator shall keep a written record of all complaints received and what action, if any, has been taken or proposed as a result.</p> <p>The operator shall immediately inform the Council of any complaints received of a serious nature, including (but not limited to) safeguarding, discrimination, dishonesty, violence, public safety, alcohol, drugs, indecency, medical conditions etc.</p> <p>The operator shall also notify the Council of any other information received about a driver relating to serious matters of conduct, no matter how they come by that information.</p> <p>Serious complaints and information must be passed to the Council whether the operator believes them to be true or not.</p>	<p>Strengthens obligations</p>
9	<p><u>SAFEGUARDING</u></p> <p>An operator shall have a documented reporting procedure in place to deal with all safeguarding concerns and a record shall be kept of the following:</p> <ul style="list-style-type: none"> • The date, time and location that the concern was reported; • The date, time and location at which the concern was first observed; • Details of the reason for the concern; • Details or description of the person/s who raised the concern; • Details or description of the person/s who are believed to be the subject of the concern; • Details of any bookings which may be related to the concern; • Any action taken; and 	<p><u>SAFEGUARDING</u></p> <p>An operator shall have a documented reporting procedure in place to deal with all safeguarding concerns and a record shall be kept of the following:</p> <ul style="list-style-type: none"> • The date, time and location that the concern was reported; • The date, time and location at which the concern was first observed; • Details of the reason for the concern; • Details or description of the person/s who raised the concern; • Details or description of the person/s who are believed to be the subject of the concern; • Details of any bookings which may be related to the concern; • Any action taken; and 	<p>Addition of requirement to ensure other members of staff have received safeguarding training and that they are aware of safeguarding procedures.</p>

	<ul style="list-style-type: none"> • Details of any referrals made to other agencies, which should include the Police. <p>Operators must undergo such safeguarding training as deemed necessary by the Council.</p> <p>Operators shall ensure that every driver is aware of their documented safeguarding procedure to enable compliance with that procedure.</p>	<ul style="list-style-type: none"> • Details of any referrals made to other agencies, which should include the Police. <p>Operators must undergo such safeguarding training as deemed necessary by the Council.</p> <p>Operators shall ensure that every driver and/or employee has received safeguarding training and must maintain a record of such training.</p> <p>Operators shall ensure that every driver and/or employee is aware of their documented safeguarding procedure to enable compliance with that procedure.</p>	
12	NEW ADDITION	<p>CHANGE OF PERSONS IN CONTROL</p> <p>The operator shall notify the Council immediately upon any change of director, partner or person in day to day control of the business. Any incoming persons will be required to provide a suitable DBS check and any other information requested</p>	The new statutory guidance recommends that operator licence conditions require notification of any change of persons in control
13	NEW ADDITION	<p>Operators shall maintain:</p> <p>A register of all staff involved in the dispatching of vehicles with evidence that those staff have provided a basic DBS check to the operator. Records should be kept up to date and for a period of at least 6 months.</p> <p>A policy relating to the employment of ex-offenders.</p>	The new statutory guidance recommends that operator licence conditions require a register of staff involved in dispatch and a policy on employees with convictions.
14	NEW ADDITION	<p>Where a taxi is not suitable to complete a booking and a larger vehicle is required the booker should be informed by the operator that a PCV (minibus) is necessary and</p>	The new statutory guidance recommends that PCV vehicles and

		that the driver is subject to different checks and has not completed an enhanced DBS check.	drivers should not be used to fulfil bookings for taxis unless the customer is informed of the lower level checks and has given their informed consent
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Section 3 - Vehicle Policy			
Item No	Current Policy Wording	Proposed Policy Wording	Reasons for update
1.3	<p><u>BEST PRACTICE GUIDANCE</u></p> <p>The Department for Transport's Guidance considered views about what constitutes "Best or Good Practice" in terms of hackney carriage and private hire licensing. The Best Practice Guidance has, therefore, been used as an aid in shaping this policy. Regard has also been had to best practice learned from other local authorities.</p>	<p><u>STATUTORY, BEST PRACTICE AND INDUSTRY GUIDANCE</u></p> <p>The Department for Transport has considered views about what constitutes "Best or Good Practice" and how licensing authorities can protect children and vulnerable adults, and has published both best practice (March 2010) and statutory guidance (July 2020).</p> <p>In addition, the Institute of Licensing (Guidance on determining the suitability of applicants and licensees in – hackney and private hire trades), the Local Government Association and other bodies also produce guidance relating to taxi and private hire standards.</p> <p>These documents have been used as an aid in shaping this policy. Regard has also been had to best practice learned from other local authorities.</p>	<p>To take account of the new statutory guidance issued by the Department of Transport and to acknowledge consideration of industry guidance in developing the policy.</p>
1.7		<p><u>POLICY REVIEWS</u></p> <p>This policy will be kept under constant review and may be updated periodically. Minor alterations to the policy may be approved and implemented in consultation with the Chair of the Licensing Committee.</p> <p>The Policy will normally be reviewed every three years.</p>	<p>To clarify timescales for future revisions of the policy</p>
2	<p>Scope</p> <p>In setting out its policy Bolsover District Council seeks to promote the following objectives -</p> <ul style="list-style-type: none"> • the protection of public health and safety; • the establishment of a professional and respected hackney carriage and private hire trade; 	<p>Scope</p> <p>In setting out its policy Bolsover District Council seeks to promote the following objectives -</p> <ul style="list-style-type: none"> • the protection of public health and safety; • the protection of children and vulnerable adults; 	<p>Increased clarity</p>

	<ul style="list-style-type: none"> • access to an efficient and effective public transport service; and • the protection of the environment. <p>The aim of this policy is to regulate hackney carriage and private hire vehicles in order to promote the above objectives.</p>	<ul style="list-style-type: none"> • the establishment of a professional and respected hackney carriage and private hire trade; • access to an efficient and effective public transport service; and • the protection of the environment. <p>The aim of this policy is to regulate hackney carriage and private hire vehicles in order to promote the above objectives.</p>	
4.1.8	ADDITION	<p>Criminal Record Checks & Safeguarding</p> <p>Before an application for a private hire vehicle licence will be considered, the proprietor must provide a current (less than three months old) Disclosure & Barring Scheme basic criminal disclosure or, in the case of an overseas applicant, sufficient other evidence to satisfy the Council of their suitability. The DBS application must be carried out through the Council and not by another organisation.</p> <p>Where proprietors have supplied an enhanced DBS Disclosure as part of a driver's licence application, they will not be required to provide a separate basic disclosure under this section if the enhanced check is still current.</p> <p>Where the applicant is a company or partnership, every director, partner or person with day to day control of that company or partnership (where appropriate) will be required to submit the information required above. Where there is a change of director, partner or person with day to day control any incoming person will also need to provide the information.</p> <p>All applicants will also be required to sign up to the DBS Update Service and to authorise the Council to carry out status checks using the Service. Licence holders will then be required to maintain the Service at all times while</p>	<p>The new statutory guidance recommends that the requirement for a DBS/CoGC should apply to vehicle proprietors</p>

		<p>licensed. If the update service lapses they will be required to apply for a new DBS Disclosure and renew their Update Service subscription. Failure to do so could result in their licence being suspended.</p> <p>If at any time the Council considers it appropriate to require a further DBS disclosure be provided the relevant individual must provide one, at their own expense, as soon as reasonably practical.</p> <p>No specific guidance exists relating to how convictions should be considered in relation to vehicle proprietors. The relevance of convictions to drivers will be used as a starting point, but it is acknowledged that the risks relating to vehicle proprietors is different. Accordingly the starting point will be for officers and members to ask:</p> <p>“Would I be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be satisfied that he / she would not allow it to be used for criminal or other unacceptable purposes, and be confident that he / she would maintain it to an acceptable standard throughout the period of the licence?”</p> <p><u>Overseas Applicants & Those Who Have Lived Abroad</u></p> <p>DBS certificates do not include foreign offences. Therefore, any foreign national or applicant who has lived abroad for 6 continuous months or more will be required to produce a document from the relevant Government or Embassy of the country where they resided, which provides a comprehensive criminal record.</p> <p>All costs in respect of this documentation will be borne by the applicant. This document is in addition to the DBS certificate. And must provide contact details of the Government or Embassy in order that officers can verify its authenticity. Certificates of good conduct must be in English or translated at the Applicant's expense. Any translation must be certified as accurate.</p>	
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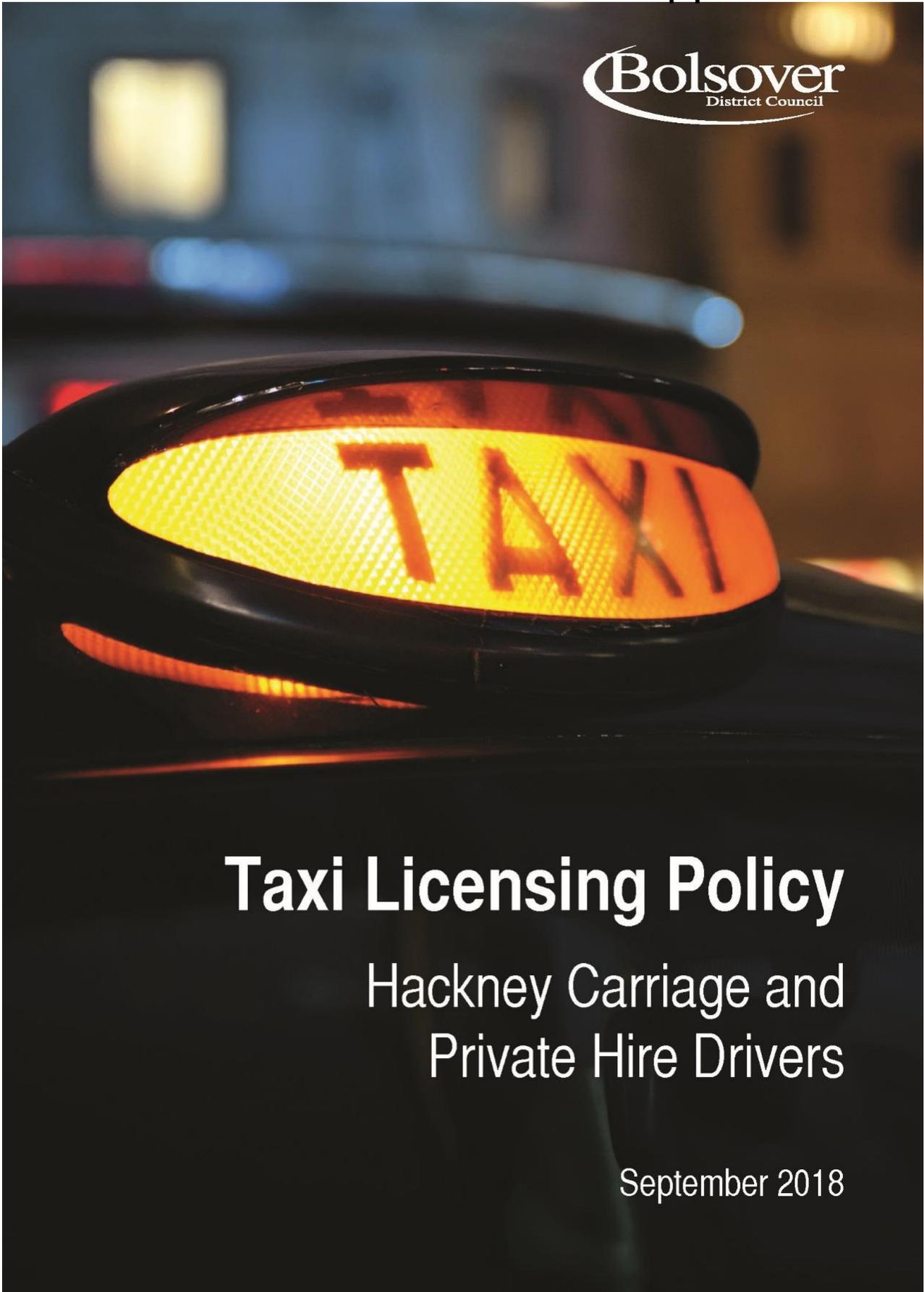
		In circumstances where the applicant is unable to provide such a document, or officers have concerns that an individual's record requires closer scrutiny, other methods of verifying an Applicant's history may be required. The application will normally be referred to the Licensing Committee for determination, where the applicant will be given the opportunity to explain his or her circumstances and produce any other relevant documentation in support of the application. However, the starting position in cases where a certificate of good conduct cannot be provided is that the application should be refused unless there are exceptional reasons that would allow the committee to depart from policy.	
	NEW ADDITION	<p>INSURANCE WRITE OFFS</p> <p>Vehicles which have been written off for insurance purposes will not be licensed unless they meet the following criteria:</p> <ul style="list-style-type: none"> • The vehicle is a Category N insurance write-off • A vehicle identity check is produced • A full list of the damage sustained and the repairs carried out to the vehicle is produced • The vehicle meets all other requirements set out in this policy <p>Any vehicle which has been written off for insurance purposes on more than one occasion will not be licensed.</p>	To provide a more comprehensive policy in respect of insurance write-off vehicles which are safe to be licensed.
Appendix A – Vehicle Licence Conditions			
1	<p>GENERAL</p> <p>All licensed vehicles shall:</p> <ul style="list-style-type: none"> • Comply with Road Traffic legislation • Have one of the following vehicle type approvals: <ul style="list-style-type: none"> ➤ EC Whole Vehicle Type Approval; 	<p>GENERAL</p> <p>All licensed vehicles shall:</p> <ul style="list-style-type: none"> • Comply with Road Traffic legislation • Have one of the following vehicle type approvals: <ul style="list-style-type: none"> ➤ EC Whole Vehicle Type Approval; 	Removal of 'Not have been written off for insurance purposes at any time'. This has been replaced with a more comprehensive policy regarding

	<ul style="list-style-type: none"> ➤ EC Small Series Type Approval; ➤ National Small Series Type Approval; or ➤ Individual Vehicle Approval <ul style="list-style-type: none"> • Be right-hand-drive • Be one of: <ul style="list-style-type: none"> ➤ a 4-door saloon vehicle; ➤ a 5-door hatchback, estate vehicle or people-carrier; ➤ a wheelchair-accessible vehicle; ➤ a multi-purpose vehicle (MPV); or ➤ in the case of hackney carriages, a purpose-built “black cab” type vehicle. • Not have been written off for insurance purposes at any time • Enable any person in the vehicle to communicate with the driver • Be maintained in sound and roadworthy condition • Not be fitted with any modification which increases risk to passengers, pedestrians or other road users. 	<ul style="list-style-type: none"> ➤ EC Small Series Type Approval; ➤ National Small Series Type Approval; or ➤ Individual Vehicle Approval <ul style="list-style-type: none"> • Be right-hand-drive • Be one of: <ul style="list-style-type: none"> ➤ a 4-door saloon vehicle; ➤ a 5-door hatchback, estate vehicle or people-carrier; ➤ a wheelchair-accessible vehicle; ➤ a multi-purpose vehicle (MPV); or ➤ in the case of hackney carriages, a purpose-built “black cab” type vehicle. • Enable any person in the vehicle to communicate with the driver • Be maintained in sound and roadworthy condition • Not be fitted with any modification which increases risk to passengers, pedestrians or other road users. <p>All new Hackney Carriage vehicles must be a wheelchair-accessible vehicle.</p> <p>Any Hackney Carriage vehicle which is not a wheelchair-accessible vehicle and is currently licensed by the Council will cease to be renewed after their first renewal falls due in 2024.</p>	<p>insurance write offs in the previous section. New insurance write-off categories were introduced in October 2017.</p> <p>Addition of making all new hackney carriage vehicles wheelchair accessible with a view to all current hackney carriages being wheelchair accessible by 2024.</p> <p>This increased standard will show the authorities commitment to promoting accessible transport services in line with the Equality Act 2010.</p>
3	<p><u>SEATS</u></p> <p>Passenger seats must be of a size and design considered safe and comfortable.</p> <p>Where a minibus or similar vehicle is capable of carrying more than 8 passengers, excess seating must be removed – and the fixings/wheelchair restraints disabled – before a licence shall be granted.</p>	<p><u>SEATS</u></p> <p>Passenger seats must be of a size and design considered safe and comfortable.</p> <p>Where a minibus or similar vehicle is capable of carrying more than 8 passengers, excess seating must be permanently removed – and the fixings/wheelchair restraints disabled – before a licence shall be granted.</p>	<p>Inclusion of the word permanently in relation to the removal of seats.</p>

	<p>Where seats have been removed the vehicle shall not be licensed until the log book has been amended to accurately record the remaining number of seats.</p> <p>The vehicle log book must accurately reflect the number of seats and the vehicle type approval.</p> <p>NB For the purposes of this Policy a wheelchair counts as one seat/passenger.</p>	<p>Where seats have been removed the vehicle shall not be licensed until the log book has been amended to accurately record the remaining number of seats.</p> <p>The vehicle log book must accurately reflect the number of seats and the vehicle type approval.</p> <p>NB For the purposes of this Policy a wheelchair counts as one seat/passenger.</p>	
11	<p>PLATE EXEMPTIONS</p> <p>Vehicle proprietors may apply to the Council for an exemption from the requirement to display external plates on a vehicle. Vehicles shall only be granted an exemption where the following criteria are met:</p> <ul style="list-style-type: none"> • The vehicle is considered to be of a prestige marque and/or specification; • The vehicle is to be used exclusively for pre-booked executive transportation; • The vehicle is not to be used for any other purposes; • An exemption notice shall be issued which must be carried in the vehicle at all times; • The plates must be securely installed inside the boot/tailgate of the vehicle; • Any change in circumstances must be immediately reported to the Council. 	<p>PLATE EXEMPTIONS</p> <p>Vehicle proprietors may apply to the Council for an exemption from the requirement to display external plates on a vehicle. Vehicles shall only be granted an exemption where the following criteria are met:</p> <ul style="list-style-type: none"> • The vehicle is considered to be of a prestige marque and/or specification; • The vehicle is to be used exclusively for pre-booked executive transportation; • The vehicle is not to be used for any other purposes; • An exemption notice shall be issued which must be carried in the vehicle at all times; • The plates must be securely installed inside the boot/tailgate of the vehicle; • A small identification sticker must be visible on the rear vehicle registration plate; • Any change in circumstances must be immediately reported to the Council. 	<p>Addition of a condition requiring exempt vehicles to display a small identification sticker on their rear number plate. This will enable officers to identify a licensed vehicle for enforcement purposes.</p>
13	<p>DEPOSIT OF LICENCES</p> <p>Before a proprietor permits any other person to drive a private hire vehicle they shall make a copy of that person's PHV driver's licence. The copy licence must be kept until</p>	<p>DEPOSIT OF LICENCES</p> <p>Before a proprietor permits any other person to drive a licensed vehicle they shall make a copy of that person's Hackney Carriage/Private Hire Vehicle Driver's licence. The copy licence must be kept for at least 6 months after</p>	<p>Updated that proprietors should keep records of who has been using a vehicle for up to 6</p>

	<p>such time as the driver ceases to be permitted or employed to drive that vehicle.</p> <p>The proprietor of the vehicle will provide evidence to the operator that the vehicle is licensed.</p> <p>The loss or theft of any vehicle licence shall be reported to the Council as soon as possible. In the case of theft, the Police must also be informed.</p>	<p>the driver ceases to be permitted to drive the vehicle, along with a record of the dates the driver was permitted to drive the vehicle</p> <p>The proprietor of the vehicle will provide evidence to the operator that the vehicle is licensed.</p> <p>The loss or theft of any vehicle licence shall be reported to the Council as soon as possible. In the case of theft, the Police must also be informed.</p>	<p>months after the driver ceases to be permitted to drive the vehicle. This change will enable more efficient enforcement. Particularly when trying to identify the driver of a vehicle licensed by an accident management or vehicle leasing company.</p>
14	<p>COMMUNICATION DEVICES</p> <p>Any radio, PDA or other mobile communications device must be:</p> <ul style="list-style-type: none"> • of a type that can be safely operated while driving; and • fitted securely and not in a position to obstruct vision or impede driving. <p>The use of a Citizen Band (CB) transmitter, radio scanner or receiver by a driver is prohibited.</p>	<p>COMMUNICATION DEVICES</p> <p>Any radio, PDA or other mobile communications device must be:</p> <ul style="list-style-type: none"> • of a type that can be safely and legally operated while driving; and • fitted securely and not in a position to obstruct vision or impede driving. <p>The use of a Citizen Band (CB) transmitter, radio scanner or receiver by a driver is prohibited.</p>	<p>Addition of the word 'legally'. Strengthens obligation.</p>
17	<p>DISABILITY ACCESS</p> <p>Where a vehicle is used to carry a passenger in a wheelchair:</p> <ul style="list-style-type: none"> • Wheelchair access must not be obstructed • The wheelchair and occupant must be safely secured using manufacturer-approved anchor points and restraints • Access ramps/lifts and other equipment must be properly tested, maintained in good working order and available for use at all times. Any equipment 	<p>DISABILITY ACCESS</p> <p>Where a vehicle is used to carry a passenger in a wheelchair:</p> <ul style="list-style-type: none"> • Wheelchair access must not be obstructed • The wheelchair and occupant must be safely secured using manufacturer-approved anchor points and restraints • Access ramps/lifts and other equipment must be manufacturer-approved, properly tested, maintained in good working order and available for use at all times. Any equipment must be properly 	<p>Addition of the access ramps etc. being manufacturer approved. Addition of the requirement to carry manufacturers guide to transporting passengers safely. Strengthens the obligations of the licence holder/driver.</p>

	<p>must be properly fixed in place before use and securely stored at any time the vehicle is in motion.</p> <ul style="list-style-type: none"> Any driver of such a vehicle must have received sufficient training to safely load and convey wheelchair user passengers 	<p>fixed in place before use and securely stored at any time the vehicle is in motion.</p> <ul style="list-style-type: none"> The vehicle should be equipped with any manufacturer's user manual/guide on the safe transportation of passengers. Any driver of such a vehicle must have received sufficient training to safely load and convey wheelchair user passengers. 	
22	<p>INSURANCE</p> <p>The vehicle shall not be used to carry passengers unless covered by a legally compliant insurance policy for that purpose. Private Hire Vehicles must not be insured for public hire.</p> <p>If existing insurance is cancelled, expires or ceases to cover the relevant use the Council shall be informed immediately and the vehicle shall not be used to carry passengers.</p>	<p>INSURANCE</p> <p>The vehicle shall be insured for the relevant use (private and/or or public hire) at all times whilst licensed. Private Hire Vehicles must not be insured for public hire unless they are insured as part of a fleet policy.</p> <p>If existing insurance is cancelled, expires or ceases to cover the relevant use the Council shall be informed immediately and the vehicle shall not be used until the appropriate insurance has been obtained or the licence ceases to be in effect.</p>	<p>Strengthening of the wording to ensure the vehicle is insured for its relevant purpose at all times it is licensed.</p>
	<p>NEW ADDITION</p>	<p>CHANGE OF PERSONS IN CONTROL</p> <p>The proprietor shall notify the Council immediately upon any change of director, partner or person in day to day control of the business. Any incoming persons will be required to provide a suitable DBS check and any other information requested</p>	<p>Included to reflect the changes made in the core policy.</p>



Taxi Licensing Policy

Hackney Carriage and
Private Hire Drivers

September 2018

**CONTROL SHEET FOR TAXI LICENSING POLICY:
HACKNEY CARRIAGE & PRIVATE HIRE DRIVERS**

Policy Details	Comments / Confirmation (To be updated as the document progresses)
Policy title	Taxi Licensing Policy: Hackney Carriage & Private Hire Drivers
Current status - i.e. first draft, version 2 or final version	Final Version
Policy author	Solicitor
Location of policy - i.e. L-drive, shared drive	S Drive
Member route for approval	Licensing Committee
Cabinet Member (if applicable)	Housing & Community Safety
Equality Impact Assessment approval date	21.8.18
Partnership involvement (if applicable)	
Final policy approval route i.e. Executive/ Council /Planning Committee	Council
Date policy approved	12.9.18
Date policy due for review (maximum three years)	September 2021
Date policy forwarded to Strategy and Performance (to include on Intranet and Internet if applicable to the public)	At discretion of officers responsible for implementation.

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POLICY

1. Introduction

1.1 BACKGROUND

Bolsover District Council has a responsibility for licensing hackney carriages and private hire vehicles, drivers and operators within the district of Bolsover.

Any reference in this Policy to notifying, informing or otherwise contacting the Council means contacting the Council's Licensing Section.

Unless otherwise stated, where the term "Taxi" is used in this Policy it is a generic term including hackney carriages and private hire vehicles (which retain their specific meanings set out in the Glossary of Terms below).

1.2 ROLE OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

Hackney carriage and private hire vehicles have a specific 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), or for those with mobility difficulties.

1.3 BEST PRACTICE GUIDANCE

The Department for Transport's Guidance considered views about what constitutes "Best or Good Practice" in terms of hackney carriage and private hire licensing. The Best Practice Guidance has, therefore, been used as an aid in shaping this policy. Regard has also been had to best practice learned from other local authorities.

1.4 CONSULTATION

There are a number of groups and organisations that have an interest in the provision of hackney carriage and private hire vehicle services, including the trade itself, residents and enforcers, all of whom have views and concerns that require consideration. In drawing up this policy, the Council has consulted with the following -

This list is not definitive -

- Authorities who border Bolsover District Council
- Derbyshire County Council
- Other departments within Bolsover District Council
- Members of Bolsover District Council

- The hackney carriage and private hire trade including all licensed operators within the district
- Parish Councils
- Derbyshire Constabulary
- Derbyshire Police & Crime Commissioner
- Chief Fire Officer for Derbyshire
- Derbyshire County Council Trading Standards
- Derbyshire County Council Transport
- Child Protection Services (Safeguarding)

1.5 POWERS AND DUTIES

This Policy has been produced pursuant to the powers conferred by the Town Police Clauses Act 1847, Local Government (Miscellaneous Provisions) Act 1976 and other legislation under which the Council is the licensing authority for hackney carriage and private hire vehicles.

1.6 STATUS

In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy document and the objectives set out above.

Notwithstanding the existence of this policy and any other relevant Council policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Council to depart from its policy, reasons will be given for so doing.

2. Scope

In setting out its policy Bolsover District Council seeks to promote the following objectives -

- the protection of public health and safety;
- the establishment of a professional and respected hackney carriage and private hire trade;
- access to an efficient and effective public transport service; and
- the protection of the environment.

The aim of this policy is to regulate hackney carriage and private hire vehicles in order to promote the above objectives.

3. Principles

The aim of licensing the hackney carriage and private hire vehicle trades is, primarily, to protect the public as well as to ensure that the

public have reasonable access to hackney carriage and private hire services because of the local transport provision.

It is important that the Council's powers are used to ensure that those who drive hackney carriages and private hire vehicles in the district are fit, safe and suitable.

4. Statement of Policy

4.1 PARALLEL PROCEDURES

The Council will usually issue combined Hackney Carriage & Private Hire Drivers' Licences.

The sections below apply equally to private hire and hackney carriage drivers unless stated otherwise.

4.2 AGE AND EXPERIENCE

In order to be licensed as a hackney or private hire vehicle driver, an applicant must hold a full driving licence issued in the UK, the European Community (EC) or one of the other countries in the European Economic Area (EEA).

The Council also requires all hackney carriage and private hire vehicle drivers who hold an EC/EEA driving licence to obtain a GB driving licence within 6 months of the grant of their licence.

A licence to drive a hackney carriage or private hire vehicle cannot be granted to a person who has not held a full driving licence for a period of 1 year or longer.

4.3 DRIVER TESTS

A licence to drive a hackney carriage or private hire vehicle will not be granted unless the Council is satisfied that the applicant is a fit and proper person.

In order to determine such fitness, applicants will be tested on various aspects of their knowledge and skills in order to help demonstrate that they are safe and suitable to hold a licence.

A non-refundable fee may be payable per test taken and/or retaken. Fees will not be refunded where a test booking is cancelled with less than 48 hours' notice.

Applicants can take no more than three tests in a 12-month period.

Applicants will be required to attend Council approved training in respect of both disability access and safeguarding. Drivers of Wheelchair Accessible Vehicles may be required to undergo additional training or examination.

4.4 DRIVING PROFICIENCY AND QUALIFICATIONS

Hackney carriage and private hire drivers are expected to have a higher standard of driving competency than the average driver.

All new applicants for hackney carriage and private hire vehicle driver licences may be required to pass such practical examination as the Council determines is appropriate prior to making their application.

Existing licensed drivers may be required to take such an assessment, either retrospectively or as part of a disciplinary process, and at their own cost, if it is felt appropriate by the Licensing Committee.

4.5 MEDICAL EXAMINATION

A medical examination by a General Practitioner (or other suitably qualified medical professional) to assess an applicant's fitness to drive a licensed vehicle is required before a licence may be granted. Applicants must provide a properly certified confirmation that they meet the DVLA Group 2 standard of medical fitness for professional drivers.

In addition to a medical examination undertaken at the time of applying, licence holders will be required to produce further medical certificates every 5 years, commencing at the first licence grant/renewal following their 45th birthday.

Licence holders over 65 must be examined annually.

The Council may reasonably require any licensed driver to provide additional certificates of medical fitness to drive, or any other relevant information, at any time where considered appropriate.

Licence holders must immediately advise the Council of any deterioration in their health, or of taking any medication, that may affect their driving capabilities.

Where there is any doubt as to the medical fitness of the applicant or an existing licensed driver, the Council may require the applicant to undergo and pay for a further medical examination by a nominated third party.

Any recommendations made by the doctor completing the driver's medical examination, at any stage in this process, will form additional

conditions to be added to the licence. This can be done by officers acting under delegated powers.

4.6 DISCLOSURE & BARRING SERVICE (DBS) DISCLOSURES

DBS Disclosures

An enhanced criminal record check on a driver is an essential safety measure.

Applicants for licences are required to disclose all convictions, including those that would otherwise have been regarded as spent under the Rehabilitation of Offenders Act 1974.

Failure to declare a conviction or other material fact may result in enforcement action, including immediate suspension or revocation of the licence pending investigation and may result in further legal action up to and including prosecution.

Before an application for a driver's licence will be granted, the applicant must provide a current Disclosure & Barring Service (DBS) check carried out via the Licensing Authority.

Applicants must apply for the DBS check through the Council and will be charged an appropriate fee. When the applicant for a DBS Disclosure receives the disclosure report at their home address, they will be required to provide the Council with the original certificate.

All applicants will also be required to sign up to the DBS Update Service at their own expense and to authorise the Council to carry out status checks using the Service. Licence holders will then be required to maintain the Service at all times while licensed. If the update service lapses they will be required to apply for a new DBS Disclosure and renew their Update Service subscription at their own expense. Failure to do so could result in their licence being suspended.

Where officers have cause to require that a Licence Holder provides additional DBS checks these must also be provided in a timely fashion and at the Licence Holder's expense. Failure to do so may result in their licence being suspended or referred to the Licensing Sub-Committee for consideration.

Applicants will also be required to disclose, where relevant, any enforcement action taken against them by the Traffic Commissioner.

Overseas Applicants & Those Who Have Lived Abroad

Any foreign national or applicant who has lived abroad for 6 continuous months or more will be required to produce a document from the relevant Government or Embassy of their country of origin, or last place

of residence if more appropriate, which provides a comprehensive criminal record.

All costs in respect of this documentation will be borne by the applicant. This document is in addition to the DBS certificate. And must provide contact details of the Government or Embassy in order that officers can verify its authenticity. Certificates of good conduct must be in English or translated at the Applicant's expense.

In circumstances where the applicant is unable to provide such a document, or officers have concerns that an individual's record requires closer scrutiny, other methods of verifying an Applicant's history may be required. The application will normally be referred to the Licensing Committee for determination, where the applicant will be given the opportunity to explain his or her circumstances and produce any other relevant documentation in support of the application.

Confidentiality

The Council is bound by rules of confidentiality and will not divulge information obtained to any third parties unless deemed relevant for public safety or the prevention and/or detection of crime.

4.7 RELEVANCE OF CONVICTIONS, CAUTIONS & OTHER INTELLIGENCE

In considering the effect convictions and cautions recorded against applicants, or any other information received about an individual, the Council will apply the policy set out in Appendix B.

In assessing whether the applicant is a fit and proper person to hold a licence, the Council will consider each case on its merits. We will take account of cautions, convictions and other intelligence, but only in so far as they are relevant to an application for a licence. Upon receipt of a disclosure from the DBS, officers acting under delegated powers will assess whether the information is capable of having real relevance to the issue of whether or not the applicant is a fit and proper person to hold a licence.

The Council will have regard to the type and age of the offence or allegation, and the age of the applicant when the offence occurred, when considering their relevance to an application. Regard will also be given to the apparent seriousness of the behaviour, as indicated by the penalty.

Where officers have no concerns over an applicant's record they shall grant the licence using delegated powers. Where officers are not satisfied the applicant is clearly fit and proper they shall refer the application to Licensing Committee for determination.

Where drivers have been licensed prior to the adoption of this policy, and they no longer meet the standards expected as a result, their fitness to hold a licence will be reassessed against those revised standards. Where there is concern that an individual no longer meets the standard of a fit and proper person they will be referred to Licensing Committee for consideration.

4.8 APPLICATION PROCEDURE

An application for a hackney carriage or private hire driver's licence must be made on the specified application form and be accompanied by all necessary supporting documentation. The application shall not be considered complete until all required information has been submitted.

4.9 DURATION & RENEWAL OF LICENCES

The Council will issue licences for a period of 3 years unless circumstances are such that a shorter period is appropriate.

In cases of new applicants and renewals, if requested documents are not forthcoming within 6 months, an application will be returned as incomplete and a new application will need to be made. However the Licensing Committee may extend this period in exceptional circumstances.

Applications for renewal must be submitted sufficiently far in advance of the expiry of the previous licence. It is recommended that applications for renewal are submitted by return on receipt of a renewal letter, or in any event not less than 3 months prior to the current badge expiry date.

NB If no renewal letter is received. IT IS THE DRIVER'S RESPONSIBILITY TO BE AWARE OF THE DATE OF EXPIRY OF HIS LICENCE. If the driver believes he has not received his renewal letter at least TEN weeks before the expiry date they should contact the licensing department without delay. The Authority offers no guarantee that a Drivers Badge renewal letter will be received by licence holders and accepts no responsibility where this occurs.

It is the responsibility of the applicant to ensure all applications are submitted in time with all supporting documentation. Late applications cannot be guaranteed to be renewed before the previous licence expires. If the application is not submitted in time the driver will not be authorised to drive a hackney carriage or private hire vehicle, once the previous licence expires, until a new licence is granted. If the previous licence expires the applicant will have to make an application for a new licence, not a renewal. Late applications may only be accepted in exceptional circumstances, and documentary evidence to explain those circumstances will be required.

4.10 CONDITIONS OF LICENCE

The conditions set out in Appendix C are reasonably necessary and appropriate for all licensed drivers. They conditions will form part of all combined and private hire vehicle driver's licences.

4.11 CONVICTIONS

Where offences, leading to conviction or caution, are committed by licensed drivers, it is important in the interests of consistency and transparency, that a procedure should be in place to consider what effect this should have on their hackney or private hire driver's licence. Further detail is set out in the Taxi Licensing Policy: Enforcement document.

Licensed drivers who are convicted or cautioned for any offence, including fixed penalties, must disclose the conviction/caution and the penalty involved to the Council within 72 hours.

4.12 NATIONAL REGISTER OF REVOCATIONS & REFUSALS

Any decision to refuse an application for a licence, or to revoke a licence that has been granted, will be submitted for inclusion in the National Register of Taxi Licence Revocations and Refusals where the information will be kept for a period of 25 years.

5. Responsibility for Implementation

This Policy will be implemented by, and at the discretion, the appropriate officers as determined by the Council's delegations scheme.

This and other policies set out the principles that govern the Council's licensing of hackney carriage and private hire vehicle drivers, operators and vehicles. Minor modifications to conditions, specifications or procedures may from time to time be modified by officers acting under delegated powers, except where not appropriate to do so.

6. Glossary of terms

Throughout this document -

- "The Council" means Bolsover District Council
- "Licensed Vehicle" means both a Hackney Carriage and Private Hire Vehicle

- "Hackney Carriage" means a vehicle of any form or construction, licensed for standing or plying for hire in any street
- "Hackney Carriage Driver" means a person licensed to act as driver of any hackney carriage
- "Private Hire Vehicle" means a licensed vehicle constructed or adapted to seat fewer than nine passengers, other than a hackney carriage or public service vehicle, which is provided for hire with the services of a driver for the purpose of carrying passengers
- "Private Hire Driver" means a person licensed to act as driver of any private hire vehicle
- "Private Hire Operator" means a person licensed to make provision for the invitation or acceptance of bookings for a private hire vehicle
- "The Guidance" means The Department for Transport - Taxi and Private Hire Vehicle Licensing: Best Practice Guidance October 2010.

7. Appendices

Appendix A to Appendix C follow.

APPENDIX A

THE CONSIDERATION OF APPLICATIONS

1. Upon receipt of a properly made application form, an officer of the Licensing Section of the Council shall consider the application. Where the application is incomplete, it will not be considered until all the missing details or documents are supplied. If the application remains incomplete for 6 months, the application may be returned as incomplete and a new application may need to be made.
2. An applicant who has not passed all relevant tests will not normally be granted a licence.
3. If satisfied from the information available that the applicant is a fit and proper person to hold a hackney carriage and/or private hire licence, an officer acting under delegated powers has the power to grant or renew a licence.
4. Successful applicants will be notified in writing and issued with the appropriate licence. Those who are granted drivers' licences shall be issued with a driver's badge, which shall remain the property of the Council and must be returned on written request by an authorised officer. It must be worn at all times whilst the driver is at work.
5. Where an officer is not satisfied, on the information before them, that the applicant should be granted a licence, the matter must be referred to the Licensing Committee for a decision. The applicant will be advised of the date, time and venue of the Committee at which the application will be considered and invited to attend, accompanied by a representative if desired.
6. At the Licensing Committee meeting the Council's hearing procedure will be followed. The applicant will be informed of the decision immediately at the conclusion of the hearing, with written decision notices to follow where appropriate.
7. Applicants will be informed of their right to appeal against the decision to the Magistrates' Court within 21 days of receipt of the formal notice of refusal of the application.

APPENDIX B

RELEVANCE OF CONVICTIONS

1. GENERAL POLICY

1.1 Principles

This Appendix will act as guidance for the Council when considering the fitness and propriety of license-holders and applicants. In exercising this duty, the Council will consider the safety of the public as its primary consideration.

This policy provides guidance to the Licensing Committee and Officers with delegated powers on the criteria to take 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 drivers Licence. Any decision will be made on the balance of probabilities and not beyond all reasonable doubt.

Each application will be determined on its own merits. Some discretion to depart from these guidelines may be appropriate if the offence is isolated and there are mitigating circumstances. However the overriding consideration should be the protection of the public.

NB As a matter of law, where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction.

1.2 Fit & Proper

In seeking to safeguard the public, the Council seeks to ensure:

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

The term “Fit and Proper Person” for the purposes of licensing is not legally defined and in assessing whether someone may be “Fit and Proper” the Council will seek to establish that applicants are considered safe and suitable to hold a licence. The Council will take into account all available information, including information obtained from other local authorities, the Police and any third party organisations.

1.3 Considering Criminal Records

Listed below are some general principles relating to the determination of applications for drivers and operators which will generally be followed where convictions are admitted or otherwise identified.

In this guidance the word “conviction” includes convictions, cautions, warnings, reprimands, fixed penalty notices and other relevant information, including any enforcement action taken by other local authorities or the Traffic Commissioner. For custodial sentences the term “from date sentence has ended” is taken to be the date which is reached once the whole of the period as sentenced by the court has elapsed and not necessarily the length of time served by the applicant. If the sentence is amended by a court at a later date then this new sentence becomes relevant for the purposes of this policy. For non-custodial offences the relevant date will be the date of sentencing.

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

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

NB Solely remaining free of conviction may not necessarily be adequate evidence that a person is a fit and proper person to hold a licence.

1.4 Outstanding Charges or Summonses

If an outstanding charge or summons involves a serious offence and/or the individual’s conviction history indicates a possible pattern of unlawful behaviour or character trait, then in the interests of public safety the application should normally be put on hold until proceedings are concluded or the licence may be refused. Such cases will always be referred to the Licensing Committee with a view to refusal/revocation.

1.5 Non-conviction information

If an applicant has on one occasion, been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration should be given to refusing the application if the evidence supports this. In assessing the action to take, the safety of the public must be the paramount concern.

Where an applicant has had a Hackney Carriage/Private hire driver's licence revoked by any local authority, the Council will not normally grant a licence until at least twelve months has elapsed since the revocation. The applicant's previous licensing authority may be contacted for details of why the licence was revoked. Enquiries will be made of the National Register of Taxi Licence Revocations and Refusals.

2. OFFENCES

The following guidance applies to new applicants and those cases where a licence holder is convicted during the period of their current licence.

All categories below are non-exhaustive, and include any similar offences (including attempted or conspiracy to commit) and any offences which replace those specified.

2.1 Serious offences against the person

Licensed drivers have close regular contact with the public. A firm line will be taken with those who have convictions for offences involving violence.

An application will normally be refused if the applicant has a conviction for an offence that involved the loss of life.

Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for an offence such as:

- Murder
- Manslaughter
- Manslaughter or culpable homicide while driving
- Terrorism offences
- Kidnapping or abduction

A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) to those below unless at least 10 years have passed since the completion of any sentence and /or licence period:

- Arson
- Malicious wounding or grievous bodily harm which is racially aggravated
- Actual bodily harm which is racially aggravated
- Grievous bodily harm with intent
- Robbery
- Possession of firearm
- Riot
- Assault Police
- Common assault which is racially aggravated

- Violent disorder
- Threats to kill
- Resisting arrest
- Hate crime against a person
- Modern slavery

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

- Racially-aggravated criminal damage
- Racially-aggravated offence
- Hate crime against property

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

- Common assault/Battery
- Assault occasioning actual bodily harm
- Affray
- S5 Public Order Act 1986 offence (harassment, alarm or distress)
- S.4 Public Order Act 1986 offence (fear of provocation of violence)
- S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Obstruction
- Criminal damage
- Harassment
- Offences involving anti-social behaviour

A licence will not normally be granted if an applicant has more than one conviction for an offence of a violent nature.

NB All violent offences will be treated in accordance with the above guidance and will not be considered any differently because they occur in the context of domestic violence or abuse.

2.2 Possession of a weapon

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

2.3 Sexual and indecency offences

As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinised. All sexual offences should be considered as serious. Applicants with convictions for sexual offences will be refused a licence upon application/renewal or review. Existing licence holders will have their licence immediately revoked.

Such offences include:

- Rape
- Assault by penetration
- Offences involving children or vulnerable adults
- Grooming, Trafficking or other Sexual Exploitation related offences (adults and/or children)
- Making or distributing obscene material
- Possession of images depicting child sexual abuse.
- Sexual assault
- Indecent assault
- Exploitation of prostitution

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

- Making indecent telephone calls
- Importuning
- Indecent exposure
- Soliciting (kerb crawling)
- Any offence occurring in the context of domestic violence

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

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

2.4 Dishonesty

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

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

- Theft
- Burglary
- 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

A licence will not normally be granted if an applicant has more than one conviction for dishonesty.

Applicants or existing licence holders that are found to have intentionally misled the council, or lied as part of the application process, will not normally be issued with a licence.

2.5 Alcohol & Drugs

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. In some cases, a warning may be appropriate. However, a number of convictions for drunkenness, including drunk and disorderly or drunk and incapable, could indicate a medical problem necessitating critical examination and refusal of licence.

In addition, the applicant will normally be required to show a period of 10 years has elapsed after completion of detoxification treatment if (s)he was an alcoholic.

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

A licence will not normally be granted where the applicant has more than one conviction for offences related to the supply of drugs and has not been free of conviction for 10 years.

A licence will not normally be granted where the applicant has more than one conviction for offences related to the possession of drugs and has not been free of conviction for 5 years.

An application from an applicant who has an isolated conviction for an offence related to the possession of drugs within the last 3-5 years may be granted a licence, but consideration should be given to the nature and quantity of the drugs.

If there is evidence of persistent drug use, misuse or dependency, a specialist examination (in accordance with the DVLA group two

medical standards) may be required before the licence is granted. If the applicant was an addict then they would normally be required to show evidence of 5 years free from drug taking after detoxification treatment.

2.6 Driving offences involving the loss of life

A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life. A licence will not normally be granted if the applicant has a conviction for:

- Causing death by dangerous driving
- Causing death by careless driving whilst under the influence of drink or drugs
- Causing death by driving: unlicensed, disqualified or uninsured drivers

Before a licence is granted, an applicant should be free of conviction for 10 years (or at least 10 years must have passed since the completion of the sentence, whichever is longer) if the applicant has a conviction for:

- Causing death by careless driving

A licence will not be granted if an applicant has more than one conviction for any of these offences.

2.7 Driving offences involving alcohol and/or drugs

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

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

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

2.8 Major Traffic Offences

A non-exhaustive list of traffic offences can be found in Appendix D.

Subject to the above paragraphs an isolated conviction for a major traffic offence, without disqualification, such as dangerous driving or driving without due care and attention will require careful consideration of the facts and will at the very least merit a warning as to future driving and advice on the standard expected of hackney carriage and private

hire drivers. However, where the conviction is within 6 months prior to the date of the application the application will normally be refused.

In cases of disqualification at least 3 years free from conviction after the restoration of the DVLA licence should normally elapse before an applicant is granted a licence.

Where an applicant has been convicted of a major traffic offence which has not resulted in disqualification, careful consideration should be given to the circumstances surrounding the offence. An application for a licence will normally be refused where the offence occurred less than 2 years prior to the application.

Where an existing licence holder is disqualified from driving as a result of a conviction for a major traffic offence, the licence will normally be revoked.

Where an existing licence holder is convicted of a major traffic offence, but the licence-holder is not disqualified from driving, the licence should normally be revoked or not renewed and any subsequent application for a new licence will be determined in accordance with the guidance above.

2.9 Minor Traffic Offences

A non-exhaustive list of traffic offences can be found in Appendix D.

Isolated convictions for minor traffic offences should not prevent a person from proceeding with an application. However, the number, type and frequency of this type of offence will be taken into account. If there are several minor traffic offences the applicant will normally be expected to show a period free of conviction of at least 6 months.

An applicant with 6-12 penalty points on their licence will merit further consideration and may be refused depending on the circumstances of the case. A licence will normally be refused where the applicant has 12 or more penalty points on his DVLA licence for minor traffic offences but has not been disqualified from driving.

Where an offence has resulted in the applicant being disqualified from driving for a period of time this will normally be taken as reflecting seriously on the applicant's driving standard.

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

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

2.10 Totting Up Disqualifications

Where a number of traffic offences has resulted in a driver receiving 12 penalty points or more on his/her licence the driver will be disqualified from driving unless the Court is satisfied that exceptional hardship would be suffered by an individual if disqualified. This is known as a “totting-up” disqualification.

Where an applicant has a totting-up disqualification an application will usually be refused until a period of between 12 months and 2 years has lapsed from the restoration of the DVLA licence depending on the seriousness of the offences which led to the totting up.

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

Where other, more serious, offences lead to disqualification an applicant will usually be refused until a period of at least 2 years has passed since their DVLA licence was restored.

2.12 Borderline traffic offences

Certain offences may not be clearly categorised as Major or Minor. Such offences will be treated as major traffic offences if the court awarded 4 or more penalty points for the offence and as minor traffic offences if the court awarded 3 or less penalty points for the offence.

A non-exhaustive list of hybrid traffic offences can be found in Appendix D.

2.13 Plying For Hire

Any applicant who has committed an offence of plying for hire within the 6 months preceding their application will normally be refused a licence. Any existing licence holder found to have committed this offence will be judged on the circumstances of the case, and at the least suspension of the licence should be considered. Where a driver is convicted on more than one occasion the licence will be revoked or not granted. Consideration will be taken of whether at the time there was no insurance cover in place for the vehicle. It will be up to the applicant to prove that there was valid insurance in place at the time of the offence.

2.14 Insurance Offences

A serious view will be taken of convictions of driving a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided he/she has been free of conviction for 3 years. However, strict warning should be given as to future behaviour. More than one of these offences would normally prevent a licence

being granted or renewed. Isolated incidents associated with a licensing offence will not necessarily prevent a licence being granted or renewed. Each case will be prevented on its merits.

At least 3 years should elapse (after restoration of the DVLA driving licence), before a licence would normally be granted for a Hackney Carriage or Private Hire driver's licence.

3. OTHER OFFENCES AND SPECIAL CIRCUMSTANCES

If the applicant has declared any other offences not listed above or the circumstances of the case justify, an officer acting under delegated powers will, if he/she considers it appropriate, refer the application to the Licensing Committee for determination.

APPENDIX C

PRIVATE HIRE DRIVER'S LICENCE CONDITIONS

The holder of a private hire driver's licence shall comply with the following conditions. In addition to the conditions set out below, any requirements set out in Part 4 of this Policy will form part of the Licence conditions.

1. CONDUCT OF DRIVER

- 1.1 At all times when working the driver shall wear the badge supplied by the Council ensuring it is clearly visible. He shall not permit any other person to wear it and on termination or surrender of a driver's licence, he shall return the badge to the Council immediately.
- 1.2 The driver shall behave in a civil, polite and orderly manner and shall take all reasonable precautions to ensure the safety of persons using the vehicle.
- 1.3 The driver shall not for any reason cause or permit the vehicle licence plate or signage to be concealed, obscured or defaced.
- 1.4 The driver will attend all bookings punctually unless prevented or delayed with good reason.
- 1.5 The driver will always drive to a destination by the shortest available route unless a different route has been agreed with the hirer.
- 1.6 The driver shall not carry in a vehicle more persons than the number specified on the vehicle licence.
- 1.7 The driver shall carry a reasonable amount of luggage if required, and offer reasonable assistance in loading and unloading luggage.
- 1.8 The driver must not solicit, by calling out or by any other means, any person to hire or be carried for hire. The driver will only carry passengers who have booked through a licensed Operator.
- 1.9 The driver shall ensure the vehicle is presented in a suitable condition for each journey.
- 1.10 The driver must only drive a private hire vehicle with the consent of the proprietor of the vehicle.
- 1.11 A driver must not eat or drink in the vehicle if asked not to by the hirer.
- 1.12 A driver must not play any radio or sound equipment (except that connected with the operation of the business) if asked not to by the

hirer. The driver must ensure that the noise emitted from any sound equipment in the vehicle does not cause annoyance to any person, whether inside or outside the vehicle.

- 1.13 Smoking is prohibited in the vehicle at any time due to the Health Act 2006. The use of electronic cigarettes (“vaping”) is also prohibited.
- 1.14 The driver shall not get the hirer’s attention, as a means of signalling that the vehicle has arrived, by operating the horn or shouting.
- 1.15 The driver must not cause or permit the vehicle to stand on a road or in a public place as to suggest that it is available for immediate hire, or use any hackney carriage stand.
- 1.16 Drivers must not use a hand-held mobile telephone or other hand-held interactive communications device at any time the vehicle is in motion or stopped at traffic lights etc. A vehicle must be correctly parked before such equipment is used.

2 FITNESS OF DRIVER

- 2.1 The driver must not drive any private hire vehicle if they know of any medical condition which may affect their driving ability and the health and safety of themselves and/or any passengers. The driver must contact the Council immediately if this happens.

3 FARES AND JOURNEYS

- 3.1 The driver shall, if requested by the hirer, provide the hirer with a written receipt for the fare paid.
- 3.2 If the private hire vehicle is fitted with a faresmeter, then the driver of a private hire vehicle shall:
 - bring the meter into operation at the commencement of the journey (unless the hirer wishes to engage by time or has agreed a fare in advance); and
 - not demand a fare in excess of any previously agreed for that hiring between the hirer and the operator or the fare shown on the face of the meter.

4 DUTIES OF LICENCE HOLDER

- 4.1 The Council must be notified of any change in circumstances affecting this licence, within 7 days of that change in circumstances.
- 4.2 The private hire driver’s licence must be made available for inspection, on request, by any authorised officer of any Council or any Police Officer.

- 4.3 The driver must notify the Council, within 7 days of joining or leaving an operator, of the name and address of the operator concerned.
- 4.4 The private hire driver's licence must be presented to the operator concerned, before commencing work with that operator.
- 4.5 All licences, badges etc issued remain the property of the Council at all times. They must be returned immediately when the licence expires and is not renewed or where the licence is suspended or revoked.
- 4.6 The driver must notify the Council of any change of details, including their address, telephone number or email, within 7 days.
- 4.7 The driver must notify the Council, within 7 days, of any conviction or caution for an offence, or of any fixed penalty imposed on him/her whilst the licence is in force. Failure to disclose a conviction may result in an immediate licence suspension, pending investigation.
- 4.8 The loss or theft of any driver's licence shall be reported to the Council as soon as possible. In the case of theft, the Police must also be informed.

5 LOST PROPERTY

- 5.1 After every booking the driver shall carefully search the vehicle for any property which may have been accidentally left. Where possible any property found should be returned to the owner (at no cost to the person who has lost the property). If this is not possible, it must be taken as soon as possible (and in any event within 24 hours) to the driver's Private Hire Operator or their Hackney Carriage Proprietor.

6 ACCIDENT REPORTING

- 6.1 A driver shall report to the Council, within 48 hours, any accident to a private hire vehicle causing damage materially affecting the safety, performance or appearance of the vehicle, the comfort or convenience of persons using the vehicle, or risk of injury to any person.

7 THE CARRIAGE OF ANIMALS

- 7.1 A driver must not carry in a private hire vehicle any animal whilst it is being used as a private hire vehicle, except as provided for below.
- 7.2 Animals in the custody of passengers may be carried, at the driver's discretion, provided they are restrained in a safe manner.
- 7.3 A driver must carry assistance dogs if required. Assistance dogs include Guide Dogs for the Blind or partially sighted, hearing dogs for the hard of hearing and other assistance dogs which assist disabled

people with a physical impairment. This includes dogs in training for such roles.

- 7.4 Any driver with a medical condition, which may be exacerbated by dogs, may apply for exemption from this condition. A certificate of exemption will be supplied in accordance with any relevant criteria and policy.

8 WHEELCHAIR ACCESSIBLE VEHICLES

- 8.1 All drivers of wheelchair accessible vehicles -
- must be suitably trained;
 - must be fully conversant with the correct method of operation of all ramps, lifts and wheelchair restraints fitted to the vehicle;
 - must, before any movement of the vehicle takes place, ensure that all wheelchairs are firmly secured to the vehicle using an approved restraining system, the brakes of the wheelchair have been applied and the passengers are suitably secured with lap/diagonal seat belts;
 - must ensure that any wheelchairs, equipment and passengers are carried in such a manner that no danger or injury is likely to be caused to those passengers or to anyone else, in accordance with the relevant regulations.

9 WORKING HOURS

- 9.1 Drivers will fulfil their responsibility to ensure compliance with legislation regarding the length of working hours.
- 9.2 The driver must not work excessive hours that may affect their ability to drive.
- 9.3 The driver must not drive when fatigued.

10 PROVISION OF INFORMATION

- 10.1 Where requested to do so by an Authorised Officer of the Council, the licence holder will provide a criminal record check, medical report, DVLA licence report or any other information, at his own expense, so as to enable the Council to assess if the licence holder remains 'fit and proper' to hold a driver licence with the authority.

11 VEHICLE CHECKS

- 11.1 Drivers should check any vehicle they are driving on a daily basis and before use to ensure the following, as a minimum, are in legal working order:
- Lights
 - Tyres/wheels

- Wipers
- Fluid levels
- Brakes
- Handbrake
- Wheelchair equipment (on wheelchair accessible vehicles)

The check should be recorded in writing, including details of any defects and remedial action taken.

APPENDIX D

CATEGORIES OF MOTORING OFFENCES

1 MAJOR TRAFFIC OFFENCES

AC10 Failing to stop after an accident
AC20 Failing to give particulars or to report an accident within 24 hours
AC30 Undefined accident offences
BA10 Driving while disqualified by order of court
BA30 Attempting to drive while disqualified by order of court
BA40 Causing death by driving while disqualified
BA60 Causing serious injury by driving while disqualified
CD10 Driving without due care and attention
CD20 Driving without reasonable consideration for other road users
CD30 Driving without due care and attention or without reasonable consideration for other road users
CD40 Causing death through careless driving when unfit through drink *
CD50 Causing death by careless driving when unfit through drugs *
CD60 Causing death by careless driving with alcohol level above the limit *
CD70 Causing death by careless driving then failing to supply a specimen for analysis *
CD80 Causing death by careless or inconsiderate driving *
CD90 Causing Death by driving: unlicensed, disqualified or uninsured drivers *
DD40 Dangerous driving
DD60 Manslaughter or culpable homicide while driving a vehicle *
DD80 Causing death by dangerous driving *
DD90 Furious driving
DG60 Causing death by careless driving with drug level above the limit*
The above offences marked * are dealt with in the section entitled driving offences involving the loss life
DR10 Driving or attempting to drive with alcohol level above limit +
DR20 Driving or attempting to drive while unfit through drink +
DR31 Driving or attempting to drive then refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity
DR40 In charge of a vehicle while alcohol level above limit +
DR50 In charge of a vehicle while unfit through drink +
DR60 Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive
DR61 Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive +
DR70 Failing to provide specimen for breath test +
DR80 Driving or attempting to drive when unfit through drugs +
DR90 In charge of a vehicle when unfit through drugs +
DG10 Driving or attempting to drive with drug level above the specified limit

DG40 In charge of a vehicle while drug level above the specified limit
28

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

IN10 Using a vehicle uninsured against third party risks

LC20 Driving otherwise than in accordance with a licence

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

LC40 Driving a vehicle having failed to notify a disability

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

MS50 Motor racing on the highway

UT50 Aggravated taking of a vehicle

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

2. MINOR TRAFFIC OFFENCES

CU10 Using vehicle with defective brakes

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

CU30 Using a vehicle with defective tyre(s)

CU40 Using a vehicle with defective steering

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

CU80 Using a mobile phone while driving a vehicle

MS10 Leaving a vehicle in a dangerous position

MS20 Unlawful pillion riding

MS30 Play street Offences

MS40 Driving with uncorrected defective eyesight or refusing to submit to a test

MS60 Offences not covered by other codes

MS70 Driving with uncorrected defective eyesight

MS80 Refusing to submit to an eyesight test

MS90 Failure to give information as to the identity of driver etc.

MW10 Contravention of Special Road Regulations (excluding speed limits)

PC10 Undefined contravention of Pedestrian Crossing Regulations

PC20 Contravention of Pedestrian Crossing Regulations with moving vehicle

PC30 Contravention of Pedestrian Crossing Regulations with stationary vehicle

SPI0 Exceeding goods vehicle speed limit

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

SP30 Exceeding statutory speed limit on a public road

SP40 Exceeding passenger vehicle speed limit

SP50 Exceeding speed limit on a motorway

SP60 Undefined speed limit offence

TS10 Failing to comply with traffic light signals

TS20 Failing to comply with double white lines

TS30 Failing to comply with a "Stop" sign

TS40 Failing to comply with direction of a constable/ warden

TS50 Failing to comply with traffic sign (excluding "Stop" sign, traffic lights or double white lines)
TS60 Failing to comply with school crossing patrol sign
TS70 Undefined failure to comply with a traffic direction sign

3. HYBRID TRAFFIC OFFENCES

CU10 Using vehicle with defective brakes
CU20 Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
CU30 Using a vehicle with defective tyre(s)
CU40 Using a vehicle with defective steering
CU50 Causing or likely to cause danger by reason of load or passengers
SP10 Exceeding goods vehicle speed limit
SP20 Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
SP30 Exceeding statutory speed limit on a public road
SP40 Exceeding passenger vehicle speed limit
SP50 Exceeding speed limit on a motorway
SP60 Undefined speed limit offence
Other non endorsable motoring offences i.e. no MOT

NOTE:

All offences in this Appendix may also include the following codes

Aiding, abetting, counselling or procuring:

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

Causing or permitting:

Offences as coded above, but with 0 changed to 4 (e.g. CU10 becomes CU14)

Inciting:

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



Taxi Licensing Policy

Hackney Carriage and
Private Hire Vehicles

September 2018

**CONTROL SHEET FOR STATEMENT OF LICENSING POLICY: HACKNEY
CARRIAGES, PRIVATE HIRE DRIVERS, VEHICLES AND OPERATORS**

Policy Details	Comments / Confirmation (To be updated as the document progresses)
Policy title	Licensing Policy: Hackney Carriages & Private Hire Vehicles
Current status - i.e. first draft, version 2 or final version	Final Version
Policy author	Solicitor
Location of policy - i.e. L-drive, shared drive	S Drive
Member route for approval	Licensing Committee
Cabinet Member (if applicable)	Housing & Community Safety
Equality Impact Assessment approval date	21.8.18
Partnership involvement (if applicable)	
Final policy approval route i.e. Executive/ Council /Planning Committee	Council
Date policy approved	12.9.18
Date policy due for review (maximum three years)	September 2021
Date policy forwarded to Strategy and Performance (to include on Intranet and Internet if applicable to the public)	At discretion of officers responsible for implementation.

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POLICY

1. Introduction

1.1 BACKGROUND

Bolsover District Council has a responsibility for licensing hackney carriages and private hire vehicles, drivers and operators within the district of Bolsover.

NB. Any reference in this Policy to notifying, informing or otherwise contacting the Council means contacting the Council's Licensing Section.

Unless otherwise stated, where the term "Taxi" is used in this Policy it is a generic term including hackney carriages and private hire vehicles (which retain their specific meanings set out in the Glossary of Terms below).

1.2 ROLE OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

Hackney carriage and private hire vehicles have a specific 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), or for those with mobility difficulties.

1.3 BEST PRACTICE GUIDANCE

The Department for Transport's Guidance considered views about what constitutes "Best or Good Practice" in terms of hackney carriage and private hire licensing. The Best Practice Guidance has, therefore, been used as an aid in shaping this policy. Regard has also been had to best practice learned from other local authorities.

1.4 CONSULTATION

There are a number of groups and organisations that have an interest in the provision of hackney carriage and private hire vehicle services, including the trade itself, residents and enforcers, all of whom have views and concerns that require consideration. In drawing up this policy, the Council has consulted with the following -

This list is not definitive -

- Authorities who border Bolsover District Council
- Derbyshire County Council
- Other departments within Bolsover District Council

- Members of Bolsover District Council
- The hackney carriage and private hire trade including all licensed operators within the district
- Parish Councils
- Derbyshire Constabulary
- Derbyshire Police & Crime Commissioner
- Chief Fire Officer for Derbyshire
- Derbyshire County Council Trading Standards
- Derbyshire County Council Transport
- Child Protection Services (Safeguarding)

1.5 POWERS AND DUTIES

This Policy has been produced pursuant to the powers conferred by the Town Police Clauses Act 1847, Local Government (Miscellaneous Provisions) Act 1976 and other legislation under which the Council is the licensing authority for hackney carriage and private hire vehicles.

1.6 STATUS

In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy document and the objectives set out above.

Notwithstanding the existence of this policy and any other relevant Council policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Council to depart from its policy, reasons will be given for so doing.

2. Scope

In setting out its policy Bolsover District Council seeks to promote the following objectives -

- the protection of public health and safety;
- the establishment of a professional and respected hackney carriage and private hire trade;
- access to an efficient and effective public transport service; and
- the protection of the environment.

The aim of this policy is to regulate hackney carriage and private hire vehicles in order to promote the above objectives.

3. Principles

The aim of licensing the hackney carriage and private hire vehicle trades is, primarily, to protect the public as well as to ensure that the

public have reasonable access to hackney carriage and private hire services because of the local transport provision.

It is important that the Council's powers are used to ensure that hackney carriages and private hire vehicles in the district are safe and comfortable.

4. Statement of Policy

4.1 VEHICLES - HACKNEY CARRIAGE AND PRIVATE HIRE

The Licensing Authority must ensure that the district has hackney carriage and private hire vehicles that are of the highest safety standards and meet the needs of residents and visitors to the district.

4.1.1 LIMITATION OF VEHICLES

The Council does not currently limit the age or emissions levels of vehicles that will be licensed. This position will be kept under review and may be reconsidered in future if supported by evidence.

At present, the Council do not limit the number of hackney carriages. If it takes the view that a quantity restriction can be justified in principle, the level at which the limit is set shall be determined by means of a survey.

4.1.2 SPECIFICATIONS, CONDITIONS AND LIVERY

All vehicles licensed by the Council will meet the minimum requirements set out in Appendix A.

4.1.3 VEHICLE IDENTIFICATION

Both hackney carriages and private hire vehicles are required to display a plate on the front and rear of the vehicle. This is a key feature in helping to identify vehicles that are properly licensed.

Private hire vehicles licensed are also required to display such additional signage as the Council considers appropriate.

4.1.4 SECURITY/CCTV

It is not currently proposed to make CCTV in vehicles a mandatory requirement. This position will be kept under review and may be reconsidered in future if supported by evidence that there is a problem or significant risk that should be addressed.

However where a proprietor chooses to install CCTV in their vehicle that system must be compliant with any relevant data protection and privacy laws. They must inform the Council within 7 days of installing a CCTV system.

4.1.5 APPLICATION PROCEDURES

Applications for a vehicle licence must be made in accordance with the Council's requirements. All information requested must be provided before an application is considered to be complete. Incomplete applications will be rejected.

All licences granted will specify the name, surname and address of every person who is a proprietor or part proprietor of the licensed vehicle. Where an owner is an incorporated body the full name, company number and registered office address shall be specified.

4.1.6 GRANT AND RENEWAL OF LICENCES

Hackney carriage or private hire vehicle licences will be granted for 6 months from the date of grant, subject to the power to grant a licence for a shorter period, should this be appropriate in the circumstances.

All vehicles must be tested on renewal, i.e. at every 6 month interval. The test must take place at a testing station approved by the Council. No licence shall be granted or renewed until such time as the vehicle has passed this test.

These requirements are in addition to an MOT, which for hackney carriages is required at 1 year old and thereafter.

The testing of hackney carriages and private hire vehicles is more stringent than a standard MOT. All vehicle specifications and conditions will be subject to scrutiny. Also, mechanical testing will be carried out to a higher standard than the MOT because licensed vehicles generally travel many times more miles than other vehicles between tests.

National guidance on testing standards will be adopted, subject to any local adjustments deemed necessary.

For renewals the application forms, appropriate fees and supporting documentation must be submitted in sufficient time prior to the expiry of the previous licence. It is the licence holder's responsibility to ensure that their vehicle licence is renewed appropriately.

Late applications will only be accepted in exceptional circumstances, and documentary evidence to explain those circumstances will be required.

Where licence holders surrender their licence prior to their expiry date, the Council will not make any refund in respect of the unexpired portion of the licence fees.

4.1.7 EXCEPTIONS

Applications in respect of any vehicle which doesn't meet the specifications required in this Policy will be referred to the Licensing Committee for consideration.

5. Responsibility for Implementation

This Policy will be implemented by, and at the discretion, the appropriate officers as determined by the Council's delegations scheme.

This and other policies set out the principles that govern the Council's licensing of hackney carriage and private hire vehicle drivers, operators and vehicles. Minor modifications to conditions, specifications or procedures may from time to time be modified by officers acting under delegated powers, except where not appropriate to do so.

6. Glossary of terms

Throughout this document -

- "The Council" means Bolsover District Council
- "Licensed Vehicle" means both a Hackney Carriage and Private Hire Vehicle
- "Hackney Carriage" means a vehicle of any form or construction, licensed for standing or plying for hire in any street
- "Hackney Carriage Driver" means a person licensed to act as driver of any hackney carriage
- "Private Hire Vehicle" means a licensed vehicle constructed or adapted to seat fewer than nine passengers, other than a hackney carriage or public service vehicle, which is provided for hire with the services of a driver for the purpose of carrying passengers

- "Private Hire Driver" means a person licensed to act as driver of any private hire vehicle
- "Private Hire Operator" means a person licensed to make provision for the invitation or acceptance of bookings for a private hire vehicle
- "Certificate of Compliance" means a certificate confirming that a licensed vehicle has passed the Council's vehicle test
- "Suspension Notice" means a notice prohibiting further use of a licensed vehicle until such time as a defect has been remedied to the satisfaction of the Council
- "Defect Notice" means a notice identifying a defect to a licensed vehicle which must be remedied to the satisfaction of the Council (issued under Section 68 of the Local Government (Miscellaneous Provisions) Act 1976)
- "Meter" means any device for calculating the fare to be charged in respect of any journey in a hackney carriage or private hire vehicle by reference to the distance travelled or time elapsed since the start of the journey, or a combination of both
- "The Guidance" means The Department for Transport - Taxi and Private Hire Vehicle Licensing: Best Practice Guidance October 2010.

7. Appendices

Appendix A follows.

APPENDIX A

VEHICLE SPECIFICATIONS AND CONDITIONS OF VEHICLE LICENCES

1 GENERAL

All licensed vehicles shall:

- Comply with Road Traffic legislation
- Have one of the following vehicle type approvals:
 - EC Whole Vehicle Type Approval;
 - EC Small Series Type Approval;
 - National Small Series Type Approval; or
 - Individual Vehicle Approval
- Be right-hand-drive
- Be one of:
 - a 4-door saloon vehicle;
 - a 5-door hatchback, estate vehicle or people-carrier;
 - a wheelchair-accessible vehicle;
 - a multi-purpose vehicle (MPV); or
 - in the case of hackney carriages, a purpose-built “black cab” type vehicle.
- Not have been written off for insurance purposes at any time
- Enable any person in the vehicle to communicate with the driver
- Be maintained in sound and roadworthy condition
- Not be fitted with any modification which increases risk to passengers, pedestrians or other road users.

2 DOORS

All saloons, estates or purpose built hackney carriage vehicles shall have at least four side opening doors, which are capable of being opened from the inside and the outside.

Minibuses, wheelchair-accessible vehicles, and people carrier type vehicles shall have at least three doors not including any tailgate or rear doors. All such vehicles must carry a safety hammer, capable of being used to break the glass of the vehicle, which is securely located in the driver’s compartment.

All vehicles shall be constructed so that the doors open sufficiently wide as to allow easy access into and egress from the vehicle.

All vehicles must have sufficient safe and suitable access and egress from the vehicle for the driver and all passengers.

3 SEATS

Passenger seats must be of a size and design considered safe and comfortable.

Where a minibus or similar vehicle is capable of carrying more than 8 passengers, excess seating must be removed – and the fixings/wheelchair restraints disabled – before a licence shall be granted.

Where seats have been removed the vehicle shall not be licensed until the log book has been amended to accurately record the remaining number of seats.

The vehicle log book must accurately reflect the number of seats and the vehicle type approval.

NB For the purposes of this Policy a wheelchair counts as one seat/passenger.

4 SEAT BELTS

All vehicles must be fitted with fully operational seat belts, one for each passenger to be carried, fully compliant with British National Standards except where the law specifically provides an exemption.

In relation to the carriage of Child Passengers, vehicles must comply with current seatbelt legislation.

5 PASSENGER CAPACITY

The Council will determine the maximum number of passengers a vehicle will be licensed to carry. At no times shall the vehicle carry more than the permitted number of passengers. A child of any age, irrespective of how they are transported, is counted as one passenger.

A vehicle will not be licensed to carry more passengers than the number of seats displayed on the log book.

6 VENTILATION

Vehicles must have windows at the rear and sides along with means of opening and closing not less than one window on either side.

Rear passenger windows must be capable of being opened by passengers when seated, unless air conditioning is available.

7 LUGGAGE

Luggage carried must be safely stored and not obstruct any exit.

8 MAINTENANCE AND CONDITION OF THE VEHICLE

The vehicle shall at all times:

- Be kept in a clean and safe condition inside and outside
- Be free of large dents, rust or unrepaired accident damage
- All seats in the vehicle must function in accordance with the original manufacturer's specification
- Have wheels and tyres which are legal and roadworthy. Tyres should have uniform load rating and be appropriately set to the manufacturer's specification (including tracking, balancing, pressure etc).
- Vehicles with tyres found to have a tread between 1.6mm and 2.0mm may have their licence suspended under Section 60 of the Local Government (Miscellaneous Provisions) Act 1976 until the tyres have been replaced.
- Carry a serviceable spare wheel and tyre, jacking equipment and wheel brace, securely stored. Alternatively a contract must be in place with a reputable roadside recovery/tyre replacement company to attend and replace the wheel/tyre.
 - Space savers are acceptable but a conventional wheel and tyre must be fitted at the earliest available opportunity and, in any case, prior to commencing any future journey.
 - An emergency puncture repair kit will be considered as an acceptable alternative only where supplied as standard by the manufacturer.

9 MODIFICATIONS

No material alteration or change in the specification, design, condition or appearance of the vehicle may be made while the licence is in force without first complying with road traffic and insurance legislation and secondly without the approval of an officer acting under delegated powers.

10 LICENCE PLATES AND STICKERS

All plates, signs, side stickers, etc remain the property of the Council and must be surrendered to an Authorised Officer upon request following suspension or revocation of a vehicle licence.

Except as provided below, at all times while the vehicle is licensed as a hackney carriage or private hire vehicle, there shall be securely fixed to the exterior front and exterior rear of the vehicle the appropriate vehicle licence plates supplied by the Council. Magnetic plates are not permitted.

The maximum number of persons to be carried is identified on the vehicle licence plate referred to above.

At all times while a vehicle is licensed there shall be displayed on the dashboard and rear passenger windows stickers which identify the vehicle as either a private hire or hackney carriage vehicle. On these will be displayed the registration number of the vehicle and the number of passengers permitted to be carried.

The proprietor of the vehicle shall ensure the plates remain affixed to the outside and inside of the vehicle, as appropriate.

Within one week of a licence expiring or being surrendered, revoked or suspended the vehicle licence holder shall return the expired licence and vehicle plates to the Council.

11 PLATE EXEMPTIONS

Vehicle proprietors may apply to the Council for an exemption from the requirement to display external plates on a vehicle. Vehicles shall only be granted an exemption where the following criteria are met:

- The vehicle is considered to be of a prestige marque and/or specification;
- The vehicle is to be used exclusively for pre-booked executive transportation;
- The vehicle is not to be used for any other purposes;
- An exemption notice shall be issued which must be carried in the vehicle at all times;
- The plates must be securely installed inside the boot/tailgate of the vehicle;
- Any change in circumstances must be immediately reported to the Council.

These requirements shall, where an exemption is granted, be considered to be part of the vehicle licence conditions.

Where an exempt vehicle is found to be in breach of these conditions, e.g. being used for town centre bookings or school contract work, the exemption will be revoked.

When considering whether to grant an exemption the Council will have regard to the type of work undertaken, the customer expectations or requirements and the type of vehicle being licensed.

We will not normally consider vehicles to be of an executive nature where they carry advertising and/or additional signage relating to the company

NB "Executive transportation" means where the vehicle is used specifically to provide transport under a written contract to a company or person, or by the type of clients who, for security or personal safety reasons, would not want the vehicle to be identifiable.

12 LIVERY, SIGNAGE & ADVERTISING

Livery – Hackney Carriages

Hackney carriages can be painted any single colour (other than black or white) with a white bonnet and boot/tailgate.

An exception will be made for substitute hackney carriages following damage or an accident (for a maximum period of 1 month) if the substitute vehicle is licensed appropriately.

Livery – Private Hire Vehicles

Private hire vehicles shall be painted **1 COLOUR ONLY**. They shall not be painted to resemble a hackney carriage.

Advertising – All Vehicles

Both hackney carriages and private hire vehicles are required to display a plate on the front and rear of the vehicle. This is a key feature in helping to identify vehicles that are properly licensed. In the context of this policy “plate” includes any identifying licence markings or device irrespective of the material or means of fixing to the vehicle.

Private hire vehicles in the district are also required to display such signage as the Council deems appropriate.

All licensed vehicles must display signage indicating which operator it is working on behalf of.

No sign or advertisement shall cover, obscure or be confused with the vehicle’s licence plate or any signage required to be displayed by these conditions.

Vehicles will be required to display the legally required no smoking signage.

Vehicles capable of carrying passengers in a wheelchair may display the relevant signage.

Operator Advertising

Advertising/signage limited to the Operators name and contact details (and meeting the Council’s specifications) shall be displayed on all vehicles carrying out private hire work. All vehicles except those exempt from displaying licence plates must carry operator signage.

Third Party Advertising

Any other advertising will only be permitted with the express consent of the Council. The content, type and location of such advertising shall be entirely at the discretion of the Council.

The advertising of tobacco or related products, alcohol or related products, sexual entertainment venues, sexual content or other hackney carriage/private hire organisations is strictly prohibited.

Hackney Vehicle Signs

Hackney carriage vehicles must carry an illuminated roof sign, which can be marked "TAXI", to indicate availability for hire. The roof light must be extinguished at all times when the meter is in use or the vehicle is located outside the district of Bolsover.

Private Hire Vehicle Signage

A private hire vehicle must not carry any roof sign or any markings that might give the impression that it is a hackney carriage.

Any advertising or signage on the vehicle must not include the words "taxi", "cab", "hackney carriage" or similar.

13 DEPOSIT OF LICENCES

Before a proprietor permits any other person to drive a private hire vehicle they shall make a copy of that person's PHV driver's licence. The copy licence must be kept until such time as the driver ceases to be permitted or employed to drive that vehicle.

The proprietor of the vehicle will provide evidence to the operator that the vehicle is licensed.

The loss or theft of any vehicle licence shall be reported to the Council as soon as possible. In the case of theft, the Police must also be informed.

14 COMMUNICATION DEVICES

Any radio, PDA or other mobile communications device must be:

- of a type that can be safely operated while driving; and
- fitted securely and not in a position to obstruct vision or impede driving.

The use of a Citizen Band (CB) transmitter, radio scanner or receiver by a driver is prohibited.

15 METERS

Hackney Carriages

A meter must:

- be fitted and be correctly calibrated, sealed and fully functional
- calibrated in accordance with the current Council approved fare structure
 - NB If a meter can be calibrated electronically without manually adjusting the device a certification of calibration will be required.
- be used for the duration of all hire journeys except those ending outside the district where a fixed fare was agreed at the outset
- easily visible to passengers & properly illuminated during hours of darkness
- fixed in place so it cannot be tampered with
- when in operation, display clearly a fare which doesn't exceed the maximum permitted
- if altered for any reason, be immediately made available to the Council for testing and resetting/resealing (or a certificate of calibration provided for an electronic meter)

A GPS system used for calculating fares is not a meter.

Private Hire

Fitting a private hire vehicle with a meter is optional. Any meter fitted to a private hire vehicle must be calibrated, sealed and fully functional.

In any vehicle with a meter the current fare chart shall be clearly displayed in the vehicle or a notice displayed indicating that hire charges for the vehicle are not set by the Council but are a matter of negotiation with the hirer.

16 TRAILERS

Trailers may only be used with the prior approval of the Council and subject to the following requirements:

- trailers can only be used in connection with pre-booked work and cannot be used for plying for hire on a rank;
- the trailer must at all times comply with all requirements of Road Traffic Legislation.
- the vehicle insurance must include cover for towing a trailer;
- trailers must not be left unattended anywhere on the highway;
- a suitable lid or other means of enclosure shall be fitted to secure and cover the contents of the trailer whenever in use.

17 DISABILITY ACCESS

Where a vehicle is used to carry a passenger in a wheelchair:

- Wheelchair access must not be obstructed

- The wheelchair and occupant must be safely secured using manufacturer-approved anchor points and restraints
- Access ramps/lifts and other equipment must be properly tested, maintained in good working order and available for use at all times. Any equipment must be properly fixed in place before use and securely stored at any time the vehicle is in motion.
- Any driver of such a vehicle must have received sufficient training to safely load and convey wheelchair user passengers

18 VEHICLES POWERED BY LIQUID PETROLEUM GAS (LPG)

Any vehicle that has been converted to run on LPG must have a certificate issued by a member of the relevant regulatory body confirming satisfactory installation, examination and testing of the vehicle.

If an LPG conversion involves installation of an LPG fuel tank in a vehicle's boot space (and possible relocation of the spare wheel) it shall be a requirement that an amount of space shall remain free for the stowage of a reasonable amount of luggage and any spare wheel displaced as a result must be securely stowed in a location that doesn't make the vehicle unsuitable for carrying passengers.

19 TINTED WINDOWS

The windows or windscreen of any vehicle may only be tinted to the manufacturer's standard specification.

Exceptions will be permitted for private hire vehicles where all the following requirements are met (which shall be conditions of the licence:

- the vehicle is a prestige type vehicle;
- the vehicle will not carry children/young persons aged under 18 unless accompanied by an adult; and
- the operator must, unless such a vehicle has been specifically requested, inform every hirer that such a vehicle will be supplied.

20 VEHICLES FOR 5 TO 8 PASSENGERS

Vehicles must have a current valid V5 certificate (log book) and MOT certificate which correctly show the same number of seats the vehicle is licensed for.

Vehicles must also have sufficient doors for passengers and/or emergency escape windows to satisfy the Council that the vehicle is safe and suitable.

Provision must be included to ensure that luggage is stored safely and securely and must not obstruct the use of exits.

In vehicles specifically adapted to carry disabled passengers, rear door access may be provided with a tail lift system, but a visible and audible warning device must be installed to alert the driver in the event of the rear door being opened or not being properly secured whilst the vehicle ignition is switched on.

Steps (whether fixed or separate) must be provided to ensure vehicles are safe to access and securely stored, if appropriate, when not in use. Steps should be kept maintained and be fit for purpose at all times.

21 ALTERATIONS

Any of the requirements in these conditions, except those imposed by legislation, may be varied at the discretion of the Council by officers acting under delegated powers.

22 INSURANCE

The vehicle shall not be used to carry passengers unless covered by a legally compliant insurance policy for that purpose. Private Hire Vehicles must not be insured for public hire.

If existing insurance is cancelled, expires or ceases to cover the relevant use the Council shall be informed immediately and the vehicle shall not be used to carry passengers.

23 CHANGES

Where there is a change of circumstances affecting the vehicle licence the Council must be notified in writing within 14 days of such change.

24 UNAUTHORISED USE

The vehicle shall not be used by any person who does not hold a current private hire or hackney carriage driver's licence (as appropriate) issued by the Council.

25 ACCIDENT REPORTING

Accidents must be reported as soon as is reasonably practicable and in any case within 72 hours.

Following any accident or damage to a vehicle:

- the Council may require that the vehicle is inspected by the Council's approved inspectors;
- an officer acting under delegated powers may suspend the use of a licensed vehicle until it is suitably repaired.
 - NB If the Council cannot be satisfied about the condition of the vehicle any suspension notice shall clearly state it

is issued on that basis only and is not evidence as to the condition of the vehicle.

26 MISCELLANEOUS

The proprietor shall not knowingly cause or permit the vehicle to be used for any illegal or immoral purpose whatsoever.

27 MATERIAL USE OF HACKNEY CARRIAGES

Hackney Carriages shall be used:

- for plying for hire (Hackney Carriages) within the district or;
- carrying out pre-booked work predominantly within the district.

28 DAILY VEHICLE CHECKS

The proprietor, or a nominated representative, should check and record daily, before the vehicle is used, that the following, as a minimum, are in legal working order:

- Lights
- Tyres/wheels
- Wipers
- Fluid levels
- Brakes
- Handbrake

A log of checks must be kept in the vehicle for a minimum of 12 months and should include details of any remedial work undertaken

29 WINDSCREENS

A vehicle should have no cracks on its front windscreen. If the windscreen is cracked during a booking then that booking may be completed if safe and legal to do so, but the windscreen must be replaced or repaired prior to commencing any further bookings.

30 VEHICLE LICENCE & INSURANCE DOCUMENTS

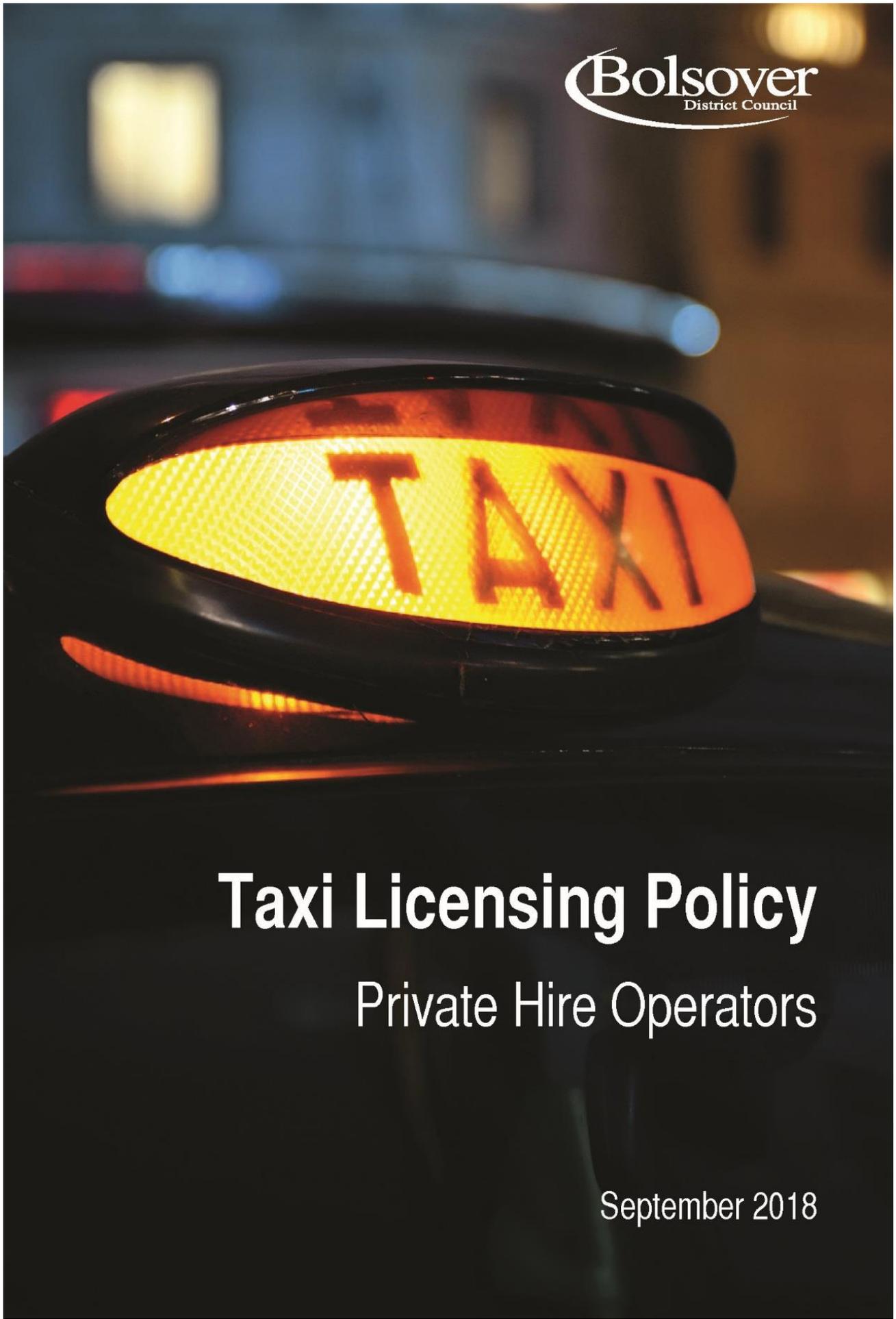
A copy of the vehicle licence and a current insurance certificate must be carried in the vehicle at all times.

31 MANUFACTURER RECALLS

It shall be the responsibility of the licence holder to ensure that any manufacturer recall of the vehicle is complied with as soon as reasonably practical.

32 OTHER REQUIREMENTS

- A copy of the vehicle licence shall be carried in the vehicle at all times and made available for inspection upon request by an authorised officer
- A copy of the current insurance certificate shall be carried in the vehicle at all times and be made available for inspection upon request by an authorised officer
- A licensed vehicle can only be driven by a person who holds the requisite licence issued by this authority.

A close-up photograph of a taxi sign on a car roof. The sign is illuminated with a warm, yellow-orange light and displays the word "TAXI" in large, dark, block letters. The background is dark and out of focus, showing blurred lights from a city street at night.

Taxi Licensing Policy

Private Hire Operators

September 2018

CONTROL SHEET FOR TAXI LICENSING POLICY: PRIVATE HIRE OPERATORS

Policy Details	Comments / Confirmation (To be updated as the document progresses)
Policy title	Taxi Licensing Policy: Private Hire Operators
Current status - i.e. first draft, version 2 or final version	Final Version
Policy author	Solicitor
Location of policy - i.e. L-drive, shared drive	S Drive
Member route for approval	Licensing Committee
Cabinet Member (if applicable)	Housing & Community Safety
Equality Impact Assessment approval date	21.8.18
Partnership involvement (if applicable)	
Final policy approval route i.e. Executive/ Council /Planning Committee	Council
Date policy approved	12.9.18
Date policy due for review (maximum three years)	September 2021
Date policy forwarded to Strategy and Performance (to include on Intranet and Internet if applicable to the public)	At discretion of officers responsible for implementation.

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POLICY

1. Introduction

1.1 BACKGROUND

Bolsover District Council has a responsibility for licensing hackney carriages and private hire vehicles, drivers and operators within the district of Bolsover.

NB. Any reference in this Policy to notifying, informing, or otherwise contacting, the Council means contacting the Council's Licensing Section.

Unless otherwise stated, where the term "Taxi" is used in this Policy it is a generic term including hackney carriages and private hire vehicles (which retain their specific meanings set out in the Glossary of Terms below).

1.2 ROLE OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

Hackney carriage and private hire have a specific 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), or for those with mobility difficulties.

1.3 BEST PRACTICE GUIDANCE

The Department for Transport's Guidance considered views about what constitutes "Best or Good Practice" in terms of hackney carriage and private hire licensing. The Best Practice Guidance has, therefore, been used as an aid in shaping this policy.

1.4 CONSULTATION

There are a number of groups and organisations that have an interest in the provision of hackney carriage and private hire vehicle services, including the trade itself, residents and enforcers, all of whom have views and concerns that require consideration. In drawing up this policy, the Council has consulted with the following -

This list is not definitive -

- Authorities who border Bolsover District Council
- Derbyshire County Council
- Other departments within Bolsover District Council
- Members of Bolsover District Council

- The hackney carriage and private hire trade including all licensed operators within the district
- Parish Councils
- Derbyshire Constabulary
- Derbyshire Police & Crime Commissioner
- Chief Fire Officer for Derbyshire
- Derbyshire County Council Trading Standards
- Derbyshire County Council Transport
- Social Services, Child Protection Office

1.5 POWERS AND DUTIES

This Statement of Licensing Policy has been produced pursuant to the powers conferred by the Local Government (Miscellaneous Provisions) Act 1976, as amended, which places on the Council the duty to carry out its licensing functions in respect of hackney carriage and private hire vehicles.

1.6 STATUS

In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy document and the objectives set out above.

Notwithstanding the existence of this policy and any other relevant Council policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Council to depart from its policy, reasons will be given for so doing.

2. Scope

In setting out its policy Bolsover District Council seeks to promote the following objectives -

- the protection of public health and safety;
- the establishment of a professional and respected hackney carriage and private hire trade;
- access to an efficient and effective public transport service; and
- the protection of the environment.

The aim of this policy is to regulate the hackney carriage and private hire trade in order to promote the above objectives.

3. Principles

The aim of licensing the hackney carriage and private hire vehicle trades is, primarily, to protect the public as well as to ensure that the

public have reasonable access to hackney carriage and private hire services because of the local transport provision.

Its purpose is to prevent licences being given to or used by those who are not suitable people taking into account their driving record, their driving experience, their sobriety, mental and physical fitness, honesty, and that they are people who would not take advantage of their employment to abuse or assault passengers.

It is important that the Council's powers are used to ensure that those who make provision for the booking of private hire vehicles in the district are suitable and safe, and that the powers are exercised in compliance with the European Convention on Human Rights.

4. Statement of Policy

4.1 PRIVATE HIRE OPERATORS

4.1.1 REQUIREMENTS AND OBLIGATIONS

Any person who operates a private hire service (except a hackney carriage proprietor who permits hackney carriages to be used for private hire) must hold a private hire operator's licence. The objective in licensing private hire operators is ensuring the safety of the public, who will be using operators' premises, vehicles and drivers arranged through them. "Operate" means to make provision for the invitation or acceptance of bookings for private hire vehicles in the course of business.

Before allocating a booked job, a private hire operator must ensure that the vehicle and driver are suitably licensed and fit and proper for use.

4.1.2 CRIMINAL RECORD CHECKS & SAFEGUARDING

Before an application for a private hire vehicle operator's licence will be considered, the applicant must provide a current (less than three months old) Disclosure & Barring Scheme basic criminal disclosure or, in the case of an overseas applicant, sufficient other evidence to satisfy the Council of their suitability. The DBS application must be carried out through the Council and not by another organisation.

Where Operators have supplied an enhanced DBS Disclosure as part of a driver's licence application, they will not be required to provide a separate basic disclosure under this section if the enhanced check is still current.

Where the applicant is a company or partnership, every director, partner or person with day to day control of that company or

partnership (where appropriate) will be required to submit the information required above.

All applicants will also be required to sign up to the DBS Update Service and to authorise the Council to carry out status checks using the Service. Licence holders will then be required to maintain the Service at all times while licensed. If the update service lapses they will be required to apply for a new DBS Disclosure and renew their Update Service subscription. Failure to do so could result in their licence being suspended.

If at any time the Council considers it appropriate to require a further DBS disclosure be provided the relevant individual must provide one, at their own expense, as soon as reasonably practical.

Before a licence is granted or renewed all Operators will be required to undertake mandatory safeguarding training and assessment.

4.1.3 CONDITIONS

The conditions set out in Appendix A are considered reasonably necessary and will apply to all operators licences.

4.1.4 LICENCE DURATION

A successful applicant will normally be granted a private hire operator's licence for 5 years. However, if Operators wish to be granted a licence for a shorter period, or there are other grounds to consider a shorter period, the Council will consider this in exceptional circumstances.

It is the licence holder's responsibility to ensure that their operator's licence is renewed appropriately before expiry.

Evidence of a licence holder's continuing fitness to hold a licence must be provided when requested by an authorised officer of the Council.

4.1.5 ADDRESS FROM WHICH AN OPERATOR MAY OPERATE

The licence will specify the address from which the operator may operate. The operator must notify the Council in writing of any change of address (whether this is a home address or the address from which they operate) during the period of the licence, prior to changing the address. A business cannot legally operate from an address not specified on its licence.

4.1.6 BASES OUTSIDE THE COUNCIL'S AREA

The Council will not grant an licence for an operator with a base that is outside the boundary of the district. This is considered both a legal

requirement and a means to ensure that proper regulation and enforcement measures may be taken.

The Council will cease to renew the licences of operators who are currently licensed for bases outside the Council's area.

4.1.7 PRIVATE HIRE FARES

Private hire fares may be determined by the operator that takes the booking. The operator may make their own agreement with the hirer as to the fare for a particular journey.

A private hire vehicle may have a calibrated meter, in which case a table of the Operator's applicable fares (which match those charged by the meter) must be displayed.

4.1.8 SUB-CONTRACTING

Where an Operator engages in sub-contracting of bookings, or holds more than one Operator's licence (whether with one or more authorities) they will be required to maintain clear records of which licence all bookings are recorded and carried out under.

5. Responsibility for Implementation

This Policy will be implemented by, and at the discretion, the appropriate officers as determined by the Council's delegations scheme.

This and other policies set out the principles that govern the Council's licensing of hackney carriage and private hire vehicle drivers, operators and vehicles. Minor modifications to conditions, specifications or procedures may from time to time be modified by officers acting under delegated powers, except where not appropriate to do so.

6. Glossary of terms

Throughout this document -

- "The Council" means Bolsover District Council
- "Licensed Vehicle" means both a Hackney Carriage and Private Hire Vehicle
- "Hackney Carriage" means a vehicle of any form or construction, licensed for standing or plying for hire in any street

- "Hackney Carriage Driver" means a person licensed to act as driver of any hackney carriage
- "Private Hire Vehicle" means a licensed vehicle constructed or adapted to seat fewer than nine passengers, other than a hackney carriage or public service vehicle, which is provided for hire with the services of a driver for the purpose of carrying passengers
- "Private Hire Driver" means a person licensed to act as driver of any private hire vehicle
- "Private Hire Operator" means a person licensed to make provision for the invitation or acceptance of bookings for a private hire vehicle

7. Appendices

Appendix A follows.

APPENDIX A

PRIVATE HIRE OPERATOR'S LICENCE CONDITIONS

In addition to the conditions set out below, any requirements set out in Part 4 of this Policy will form part of the Licence conditions.

1 STANDARDS OF SERVICE

The operator shall:

- Provide a prompt, efficient and reliable service to members of the public at all reasonable times.
- Ensure that employed staff act in a civil and orderly manner at all times.
- Ensure, when a vehicle has been hired, that it arrives punctually at the appointed place, unless delayed by unavoidable circumstances beyond their control. If delays are lengthy, the driver/operator should contact the hirer to inform them.
- Ensure that premises provided for the purpose of booking or waiting are kept clean and are adequately lit, heated and ventilated.
- Ensure that any waiting area provided has adequate seating facilities.
- Ensure compliance with legislation regarding the length of working hours.
- Take all reasonable steps to ensure drivers are fit and suitable.
- Take all reasonable steps to ensure vehicles are safe and roadworthy.

2 RECORDS

Records shall be kept:

- In a non-erasable form in a suitable log or book or in a computerised record system designed to prevent records being tampered with following the taking of a booking
- For at least 12 months
- Available for inspection, on request, by an authorised officer of the Council or a Police Officer.
- In accordance with the relevant data protection law

The records to be kept include the information set out below and any other information as authorised officers may from time to time direct operators to keep.

2.1 BOOKING RECORDS

Prior to each journey, the operator shall enter the following details of every booking of a private hire vehicle accepted:

- the date and time of the booking
- the name of the hirer
- the name of the person taking the booking
- the time of pick up
- the address of pick up
- the destination (unless automatically recorded by GPS)
- the time at which a driver was allocated to the booking
- the plate number (or other identification) of the vehicle allocated
- the fare quoted
- any sub-contracting arrangements

2.2 VEHICLES

The operator shall keep records of all private hire vehicles operated by him, including:

- A copy of the vehicle licence
- A copy of a current insurance certificate
- Whether the vehicle is wheelchair accessible
- The seat-to-wheelchair configuration of wheelchair accessible vehicles

2.3 DRIVERS

The operator shall keep records of all drivers of private hire vehicles operated by him/her, including:

- A copy of the HC/PHV driver's licence
 - This should be kept for at least 12 months after either expiry of the licence or the driver leaves the operators service
- Details identifying the drivers of each vehicle
- When any driver's service begins or ends
- The current address of any driver
- Details of any illness, disability or health condition which may affect the driver's ability to safely carry out his/her duties
- The expiry dates of drivers' badges
- The hours worked by each driver

2.4 LOST PROPERTY

The operator shall accept all lost property presented to them by a driver who is undertaking bookings on their behalf.

The Operator shall record the following:

- The date and time they received the lost property
- A description of the lost property
- The name and call sign of the driver handing in the property

- The specific journey when the property was left in the vehicle
- The date the item was reclaimed and by who

The operator shall take all reasonable steps to reunite the lost property with its owner. If the lost property is a Passport, Driver Licence, Bank Card or other similar item the operator shall contact the issuer and either return the item to the issuer or follow any actions specified by them.

While the lost property is in the possession of the operator it shall be stored securely. The lost property shall be retained for a period of six months, if it is not reclaimed in that period and does not contain any personal information the operator shall dispose of the lost property. Any items which may contain personal information or images (including mobile phones) shall be destroyed and a record kept of that fact.

3 COMPLAINTS

The operator shall keep a written record of all complaints received and what action, if any, has been taken or proposed as a result.

The operator shall inform the Council immediately of any complaints deemed to be serious, including (but not limited to) safeguarding, discrimination, dishonesty, violence, public safety, alcohol, drugs, indecency, medical conditions etc.

4 DISCLOSURE OF CONVICTIONS

The operator shall, within 7 days, notify the Council in writing of any conviction, caution or fixed penalty imposed on him. If the operator is a company or partnership, this requirement also applies if any of the directors or partners receive a conviction, caution or fixed penalty.

5 INSURANCE

The operator shall ensure:

- That every vehicle operated by him has a suitable motor insurance policy.
- That he holds sufficient and suitable insurance covering any loss, damage or personal injury that may occur. Details of such insurance must be made available to authorised officers of the Council on demand.

6 DISPLAY OF TERMS AND CONDITIONS

The operator shall, at all times, keep a copy of these conditions at any premises used by him/her for a private hire business and shall make the same available for inspection by fare paying passengers.

7 INSPECTION OF LICENCE

The Operator's Licence (or a certified copy) shall be displayed at the licensed address and be made available for inspection on request by any authorised officer of the Council or any Police Officer.

8 NUISANCE

An operator shall not allow any premises used in connection with their private hire business to cause a nuisance to nearby residents or businesses, including (but not limited to):

- Undertaking servicing or repairs of vehicles which cause nuisance, disturbance or distress; and
- Allowing any entertainment devices to cause disturbance.

9 SAFEGUARDING

An operator shall have a documented reporting procedure in place to deal with all safeguarding concerns and a record shall be kept of the following:

- The date, time and location that the concern was reported;
- The date, time and location at which the concern was first observed;
- Details of the reason for the concern;
- Details or description of the person/s who raised the concern;
- Details or description of the person/s who are believed to be the subject of the concern;
- Details of any bookings which may be related to the concern;
- Any action taken; and
- Details of any referrals made to other agencies, which should include the Police.

Operators must undergo such safeguarding training as deemed necessary by the Council.

Operators shall ensure that every driver is aware of their documented safeguarding procedure to enable compliance with that procedure.

10 NOTIFICATION OF CONCERNS

The Operator shall notify the Council if they become aware of anything that may call into question the ability of the driver or vehicle to undertake licensed work e.g. medical conditions, convictions, vehicle defects etc.

11 PROVISION OF INFORMATION

Where requested to do so by an Authorised Officer of the Council the private hire operator (or a Director of a company where the Ltd

company is the licensed operator) or his representative will provide a criminal record check or other information, at his own expense, so as to enable the Council to assess if the operator remains 'fit and proper' to hold a licence with the authority.



Department
for Transport

Statutory Taxi & Private Hire Vehicle Standards

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1. Introduction

- 1.1 There is evidence to support the view that taxis and private hire vehicles are a high-risk environment. In terms of risks to passengers, this can be seen in abuse and exploitation of children and vulnerable adults facilitated and in some cases perpetrated by the trade and the number of sexual crimes reported which involve taxi and private hire vehicle drivers. Links between the trade and child sexual abuse and exploitation have been established in many areas and other investigations continue. Data on reported sexual assaults by taxi and private hire vehicle drivers evidence the risk to passengers; data from [Greater Manchester](#) and [Merseyside](#) suggest that, if similar offence patterns are applied across England, 623 sexual assaults per year are reported. These figures do not however account for the under reporting of crime which is estimated to be as high as 83 percent in the [Crime Survey for England and Wales](#).
- 1.2 The Policing and Crime Act 2017 enables the Secretary of State for Transport to issue statutory guidance on exercising taxi and private hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from harm when using these services. For the purposes of this document, a child is defined as anyone who has not yet reached their 18th birthday; and the term “vulnerable individual” has the same meaning as the definition of a ‘vulnerable adult’ for the purpose of section 42 of the [Care Act 2014](#), which applies where a local authority has reasonable cause to suspect that an adult in its area (whether or not ordinarily resident there):
- (a) has needs for care and support (whether or not the authority is meeting any of those needs),
 - (b) is experiencing, or is at risk of, abuse or neglect, and
 - (c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.
- 1.3 Whilst the focus of the Statutory Taxi and Private Hire Vehicle Standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained in it. There is consensus that common core minimum standards are required to regulate better the taxi and private hire vehicle sector, and the recommendations in this document are the result of detailed discussion with the trade, regulators and safety campaign groups. **The Department therefore expects these recommendations to be implemented unless there is a compelling local reason not to.**
- 1.4 It should be noted that as policing and criminal justice is not a devolved matter, the Statutory Taxi and Private Hire Vehicle Standards issued under the Policing and Crime Act 2017 will continue to have effect in Wales although responsibility for taxi and private hire vehicle policy was devolved to the Welsh Assembly in April 2018. Should the Welsh Government introduce legislation to regulate on these issues, the standards in this document would, cease to apply.

- 1.5 All local authorities and district councils that provide children's and other types of services, including licensing authorities, have a statutory duty to make arrangements to ensure that their functions and any services that they contract out to others are discharged having regard to the need to safeguard and promote the welfare of children. This means that licensing authorities should have in place arrangements that reflect the importance of safeguarding and promoting the welfare of children. This includes clear whistleblowing procedures, safe recruitment practices and clear policies for dealing with allegations against people who work with children, as set out in the [Working Together to Safeguard Children](#) statutory guidance.
- 1.6 The Statutory Taxi and Private Hire Vehicle Standards reflect the significant changes in the industry and lessons learned from experiences in local areas since the 2010 version of the Department's Best Practice Guidance. This includes extensive advice on checking the suitability of individuals and operators to be licensed; safeguarding children and vulnerable adults; the Immigration Act 2016 and Common Law Police Disclosure (which replaced the Notifiable Occupations Scheme).
- 1.7 The standards in this document replace relevant sections of the Best Practice Guidance issued by the Department in 2010, where there is a conflict between the Statutory Taxi and Private Hire Vehicle Standards and the Best Practice Guidance the Department issue on taxi and private hire vehicle licensing, the standards in this document take precedence.

Terminology

Taxis are referred to in legislation, regulation and common language as 'hackney carriages', 'black cabs' and 'cabs'. The term '**taxi**' is used throughout this document and refers to all such vehicles. Taxis can be hired immediately by hailing on the street or at a rank.

Private hire vehicles include a range of vehicles including minicabs, executive cars, chauffeur services, limousines and some school and day centre transport services. All private hire vehicle journeys must be pre-booked via a licensed private hire vehicle operator and are subject to a 'triple licensing lock' i.e. the operator fulfilling the booking must use vehicles and drivers licensed by the same authority as that which granted its licence. The term 'private hire vehicle' is used throughout this document to refer to all such vehicles.

2. Consideration of the Statutory Taxi and Private Hire Vehicle Standards

- 2.1 The past failings of licensing regimes must never be repeated. The Department has carefully considered the measures contained in the Statutory Taxi and Private Hire Vehicle Standards and recommend that these should be put in to practice and administered appropriately to mitigate the risk posed to the public. The purpose of setting standards is to protect children and vulnerable adults, and by extension the wider public, when using taxis and private hire vehicles.
- 2.2 The Government set out in the [Modern Crime Prevention Strategy](#) the evidence that where Government, law enforcement, businesses and the public work together on prevention, this can deliver significant and sustained cuts in certain crimes. That is good news for victims and communities and it makes clear economic sense too. Educating the public on the risks of using unlicensed drivers and vehicles, how to identify the licensed trade and appropriate measure to take when using these services will protect help all passengers, more information is annexed to this document (Annex - Staying safe: guidance for passengers).
- 2.3 The Strategy committed to protect children and young people from the risk of child sexual abuse and exploitation (CSAE), by working with local authorities to introduce rigorous taxi and private hire vehicle licensing regimes. Both the [Jay](#) and [Casey](#) reports on CSAE highlighted examples of taxi/private hire vehicle drivers being directly linked to children that were abused, including instances when children were picked up from schools, children's homes or from family homes and abused, or sexually exploited.
- 2.4 The Casey Report made clear that weak and ineffective arrangements for taxi and private hire vehicle licensing had left the children and public at risk. The Department for Transport has worked with the Home Office, Local Government Association (LGA), personal safety charities, trade unions and trade bodies,

holding workshops, forums, and sharing evidence and good practice with local authorities to assist in the setting of the standards.

- 2.5 This document is published by the Secretary of State for Transport under section 177(1) of the Policing and Crime Act 2017 following consultation in accordance with section 177(5).
- 2.6 The document sets out a framework of policies that, under section 177(4), licensing authorities “**must have regard**” to when exercising their functions. These functions include developing, implementing and reviewing their taxi and private hire vehicle licensing regimes. “Having regard” is more than having a cursory glance at a document before arriving at a preconceived conclusion.
- 2.7 “Having regard” to these standards requires public authorities, in formulating a policy, to give considerations the weight which is proportionate in the circumstances. **Given that the standards have been set directly to address the safeguarding of the public and the potential impact of failings in this area, the importance of thoroughly considering these standards cannot be overstated.** It is not a question of box ticking; the standards must be considered rigorously and with an open mind.
- 2.8 Although it remains the case that licensing authorities must reach their own decisions, both on overall policies and on individual licensing matters in light of the relevant law, it may be that the Statutory Taxi and Private Hire Vehicle Standards might be drawn upon in any legal challenge to an authority’s practice, and that any failure to adhere to the standards without sufficient justification could be detrimental to the authority’s defence. **In the interest of transparency, all licensing authorities should publish their consideration of the measures contained in Statutory Taxi and Private Hire Vehicle Standards, and the policies and delivery plans that stem from these.** The Department has undertaken to monitor the effectiveness of the standards in achieving the protection of children and vulnerable adults (and by extension all passengers).
- 2.9 The Statutory Taxi and Private Hire Vehicle Standards does not purport to give a definitive statement of the law and any decisions made by a licensing authority remain a matter for that authority.

3. Administering the Licensing Regime

Licensing policies

- 3.1 The Department recommends all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing. This should include but not be limited to policies on convictions, a 'fit and proper' person test, licence conditions and vehicle standards.
- 3.2 When formulating a taxi and private hire vehicle policy, the primary and overriding objective must be to protect the public. The importance of ensuring that the licensing regime protects the vulnerable cannot be overestimated. This was highlighted in the [report by Dame Louise Casey CB](#) of February 2015 on safeguarding failings.

“It will be evident from this report that in many cases the activities of perpetrators take place in spheres which are regulated by the Council – taxis have been the focus of particular concern. Persistent and rigorous enforcement of the regulatory functions available to the council, including the placing of conditions on private hire taxi operator licences where appropriate, would send a strong signal that the trade is being monitored and would curtail the activities of opportunistic perpetrators whereby taxi drivers have solicited children to provide sex in return for cigarettes, alcohol or a fare free ride.”

- 3.3 The long-term devastation caused by CSAE was summarised in the same report:

“Victims suffer from suicidal feelings and often self-harm. Many become pregnant. Some have to manage the emotional consequences of miscarriages and abortions while others have children that they are unable to parent appropriately. The abuse and violence continues to affect victims into adulthood. Many enter violent and abusive relationships. Many suffer poor mental health and addiction.”

- 3.4 Rotherham Metropolitan Borough Council ('Rotherham Council') provides an example of how the systematic review of policies and procedures and the implementation of a plan to drive improvements in practice can result in a well-functioning taxi and private hire vehicle sector that is rebuilding local confidence in the industry. The history of past failings here and elsewhere is well known, but it is the transparency and resolution that Rotherham Council has demonstrated and the high standards they now require that are rebuilding public confidence.
- 3.5 One of the key lessons learned is that it is vital to review policies and reflect changes in the industry both locally and nationally. **Licensing authorities should review their licensing policies every five years, but should also consider interim reviews should there be significant issues arising in their area, and their performance annually.**

Duration of licences

- 3.6 A previous argument against issuing licences for more than a year was that a criminal offence might be committed, and not notified, during this period; this can of course also be the case during the duration of a shorter licence. This risk can be mitigated for drivers by authorities to undertaking regular interim checks. To help authorities monitor licensees' suitability, licensing authorities should engage with their police force to ensure that when the police believe a licensee presents a risk to the travelling public they use their Common Law Police Disclosure powers (see paragraphs 4.9 - 4.11) to advise them.
- 3.7 The Local Government (Miscellaneous Provisions) Act 1976 (as amended) sets a standard length at three years for taxi and private hire vehicle drivers and five years for private hire vehicle operators. Any shorter duration licence should only be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case, if a licensee has requested one or where required (e.g. when the licence holder's leave to remain in the UK is time-limited) or when the licence is only required to meet a short-term demand; they should not be issued on a 'probationary' basis.

Whistleblowing

- 3.8 It is in the application of licensing authority's policies (and the training and raising of awareness among those applying them) that protection will be provided. Where there are concerns that policies are not being applied correctly, it is vital that these can be raised, investigated and remedial action taken if required. **Licensing authorities should have effective internal procedures in place for staff to raise concerns and for any concerns to be dealt with openly and fairly.**

A report into the licensing of drivers by South Ribble Borough Council highlights the implications of not applying the agreed policies. In early August 2015, concerns were raised regarding decisions to renew the licences of drivers where there were potential incidents of child sexual exploitation. An internal review concluded that there had been failings in local investigatory procedures which might have affected the ability of the General Licensing Committee to make proper decisions, and information sharing with the police and data recording was not satisfactory.

- 3.9 The external investigation in South Ribble concluded “that there had been a lack of awareness and priority given to safeguarding and the safety of taxi [and private hire vehicle] passengers in the manner in which licensing issues were addressed”. We are pleased to note that the [report](#) concludes, “The Council have been active at every stage in responding to issues and concerns identified. It has taken steps to address operational issues in the licensing function and has engaged fully with other agencies in so doing. In the light of the above, it is not necessary to make any further recommendations.”
- 3.10 It is hoped that all licensing authorities will have learnt from these mistakes but to prevent a repeat, **local authorities should ensure they have an effective ‘whistleblowing’ policy and that all staff are aware of it.** If a worker is aware of, and has access to, effective internal procedures for raising concerns then ‘whistleblowing’ is unlikely to be needed.
- 3.11 The Public Interest Disclosure Act 1998 (PIDA), commonly referred to as whistleblowing legislation, provides protection for those that have a reasonable belief of serious wrongdoing, including failure to comply with professional standards, council policies or codes of practice/conduct. The PIDA is part of employment law. In the normal course of events, if a worker reveals information that his employer does not want revealed it may be a disciplinary offence. If someone leaked their employer’s confidential information to the press, they might expect to be dismissed for that. The PIDA enables workers who ‘blow the whistle’ about wrongdoing to complain to an employment tribunal if they are dismissed or suffer any other form of detriment for doing so. It is a qualified protection and certain conditions would have to be met for the worker to be protected. More information is available online for [employees](#) and [employers](#):

Consultation at the local level

- 3.12 Licensing authorities should consult on proposed changes in licensing rules that may have significant impacts on passengers and/or the trade. Such consultation should include not only the taxi and private hire vehicle trades but also groups likely to be the trades’ customers. Examples are groups representing disabled people, Chambers of Commerce, organisations with a wider transport interest (e.g. the Campaign for Better Transport and other transport providers), women’s groups, local traders, and the local multi-agency safeguarding arrangements. It may also be helpful to consult with night-time economy groups (such as Pubwatch) if the trade is an important element of dispersal from the local night-time economy’s activities.
- 3.13 Any decision taken to alter the licensing regime is likely to have an impact on the operation of the taxi and private hire vehicle sector in neighbouring areas; and **licensing authorities should engage with these areas to identify any concerns and issues that might arise from a proposed change.** Many areas convene regional officer consultation groups or, more formally, councillor liaison meetings; this should be adopted by all authorities.

Changing licensing policy and requirements

- 3.14 **Any changes in licensing requirements should be followed by a review of the licences already issued.** If the need to change licensing requirements has been identified, this same need is applicable to those already in possession of a licence. That is not however to suggest that licences should be automatically revoked overnight, for example if a vehicle specification is changed it is proportionate to allow those that would not meet the criteria to have the opportunity to adapt or change their vehicle. The same pragmatic approach should be taken to driver licence changes - if requirements are changed to include a training course or qualification, a reasonable time should be allowed for this to be undertaken or gained. The implementation schedule of any changes that affect current licence holders must be transparent and communicated promptly and clearly.
- 3.15 Where a more subjective change has been introduced, for example an amended policy on previous convictions, a licensing authority must consider each case on its own merits. Where there are exceptional, clear and compelling reasons to deviate from a policy, licensing authorities should consider doing so. Licensing authorities should record the reasons for any deviation from the policies in place.

4. Gathering and Sharing Information

- 4.1 Licensing authorities must consider as full a range of information available to them when making a decision whether to grant a licence and to meet their ongoing obligation to ensure a licensee remains suitable to hold a licence.

The Disclosure and Barring Service

- 4.2 The Disclosure and Barring Service (DBS) provides access to criminal record information through its disclosure service for England and Wales. The DBS also maintains the lists of individuals barred from working in regulated activity with children or adults. The DBS makes independent barring decisions about people who have harmed, or where they are considered to pose a risk of harm to a child or vulnerable person within the workplace. The DBS enables organisations in the public, private and voluntary sectors to make safer employment decisions by identifying candidates who may be unsuitable for certain work, especially that which involves vulnerable groups including children.
- 4.3 Enhanced certificates with a check of the barred lists include details of spent and unspent convictions recorded on the Police National Computer (PNC), any additional information which a chief officer of police believes to be relevant and ought to be disclosed, as well as indicating whether the individual is barred from working in regulated activity with children or adults. Spent convictions and cautions are disclosed on standard and enhanced certificates according to rules set out in legislation. Convictions which resulted in a custodial sentence, and convictions or cautions for a specified serious offence such as those involving child sexual abuse will always be disclosed on a standard or enhanced certificate. Full details of the disclosure rules, and those offences which will always be disclosed, are available from the [DBS](#). As well as convictions and cautions, an enhanced certificate may include additional information which a chief police officer reasonably believes is relevant and ought to be disclosed. Chief police officers must have regard to the [statutory guidance](#) issued by the Home Office when considering disclosure. A summary of the information provided at each level of DBS checks is annexed to this document (Annex – Disclosure and Barring Service information).
- 4.4 It should be noted that licensing authorities must not circumvent the DBS process and seek to obtain details of previous criminal convictions and other information that may not otherwise be disclosed on a DBS certificate. Whilst data protection legislation (not just the Data Protection Act 2018 or General Data Protection Regulation (GDPR)) gives individuals (or data subjects) a 'right of access' to the personal data that an organisation holds about them, it is a criminal offence to require an individual to exercise their subject access rights so as to gain information about any convictions and cautions. This could potentially lead to the authority receiving information to which it is not entitled. The appropriate way of accessing an individual's criminal records is through an enhanced DBS and barred lists check.

The Disclosure and Barring Service Update Service

- 4.5 Subscription to the DBS Update Service allows those with standard and enhanced certificates to keep these up to date online and, with the individual's consent, allows nominees to check the status of a certificate online at any time. Subscription to the service removes the need for new certificates to be requested, reduces the administrative burden and mitigates potential delays in relicensing.
- 4.6 The DBS will search regularly to see if any relevant new information has been received since the certificate was issued. The frequency varies depending on the type of information; for criminal conviction and barring information, the DBS will search for updates on a weekly basis. For non-conviction information, the DBS will search for updates every nine months.
- 4.7 Licensing authorities are able to request large numbers of status checks on a daily basis. The DBS has developed a Multiple Status Check Facility (MSCF) that can be accessed via a web service. The MSCF enables organisations to make an almost unlimited number of Status Checks simultaneously. Further information on the MSCF is available from the [DBS](#).
- 4.8 Should the MSCF advise that new information is available the DBS certificate should no longer be relied upon and a new DBS certificate requested.

Common Law Police Disclosure

- 4.9 The DBS is not the only source of information that should be considered as part of a fit and proper assessment for the licensing of taxi and private hire vehicle drivers. Common Law Police Disclosure ensures that where there is a public protection risk, the police will pass information to the employer or regulatory body to allow them to act swiftly to mitigate any danger.
- 4.10 Common Law Police Disclosure replaced the Notifiable Occupations Scheme (NOS) in March 2015 and focuses on providing timely and relevant information which might indicate a public protection risk. Information is passed on at arrest or charge, rather than on conviction which may be some time after, allowing any measures to mitigate risk to be put in place immediately.
- 4.11 This procedure provides robust safeguarding arrangements while ensuring only relevant information is passed on to employers or regulatory bodies. **Licensing authorities should maintain close links with the police to ensure effective and efficient information sharing procedures and protocols are in place and are being used.**

Licensee self-reporting

- 4.12 Licence holders should be required to notify the issuing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any of the offences within this scope should result in a review by the issuing authority as to whether the licence holder is fit to continue to do so. This must not

however be seen as a direction that a licence should be withdrawn; it is for the licensing authority to consider what, if any, action in terms of the licence should be taken based on the balance of probabilities. Should an authority place an obligation on licensees to notify under these circumstances, authorities should also ensure appropriate procedures are in place to enable them to act in a suitable timeframe if and when needed.

- 4.13 Importantly, a failure by a licence holder to disclose an arrest that the issuing authority is subsequently advised of might be seen as behaviour that questions honesty and therefore the suitability of the licence holder regardless of the outcome of the initial allegation.

Referrals to the Disclosure and Barring Service and the Police

- 4.14 In some circumstances it may be appropriate under the Safeguarding Vulnerable Groups Act 2006 for licensing authorities to make referrals to the DBS. **A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, should be referred to the DBS.** The power for the licensing authority to make a referral in this context arises from the undertaking of a safeguarding role. Further guidance has been provided by the [DBS](#).

- 4.15 The Department recommends that licensing authorities should make a referral to the DBS when it is thought that:

- an individual has harmed or poses a risk of harm to a child or vulnerable adult;
- an individual has satisfied the '[harm test](#)'; or
- received a caution or conviction for a relevant offence and;
- the person they are referring is, has or might in future be working in regulated activity;

if the above conditions are satisfied, the DBS may consider it appropriate for the person to be added to a barred list.

- 4.16 These referrals may result in the person being added to a barred list and enable other licensing authorities to consider this should further applications to other authorities be made. Further information on referrals to DBS is [available](#).

Working with the Police

- 4.17 The police are an invaluable source of intelligence when assessing whether a licensing applicant is a 'fit and proper' person. It is vital that licensing authorities have a partnership with the police service to ensure that appropriate information is shared as quickly as possible. As part of building an effective working relationship between the licensing authority and the police, **action taken by the licensing authority as a result of information received should be fed-back to the police.** Increasing the awareness among police forces of the value licensing authorities place on the information received, particularly on non-conviction intelligence, will assist furthering these relationships and reinforce the benefits of greater sharing of information.
- 4.18 This relationship can be mutually beneficial, assisting the police to prevent crime. The police can gain valuable intelligence from drivers and operators, for example, the identification of establishments that are selling alcohol to minors or drunks, or the frequent transportation of substance abusers to premises.
- 4.19 To aid further the quality of the information available to all parties that have a safeguarding duty, a revocation or refusal on public safety grounds should also be advised to the police.

Sharing licensing information with other licensing authorities

- 4.20 As has been stated elsewhere in this document, obtaining the fullest information minimises the doubt as to whether an applicant or licensee is 'fit and proper'. An obvious source of relevant information is any previous licensing history. **Applicants and licensees should be required to disclose if they hold or have previously held a licence with another authority. An applicant should also be required to disclose if they have had an application for a licence refused, or a licence revoked or suspended by any other licensing authority.** Licensing authorities should explicitly advise on their application forms that making a false statement or omitting to provide the information requested may be a criminal offence.
- 4.21 The LGA's Councillors' [Handbook on taxi and private hire vehicle licensing](#) advises that those responsible for licensing should "*communicate regularly with licensing committees and officers in neighbouring councils to ensure critical information is shared and that there is a consistency and robustness in decision-making. By working together, local government can make sure that this vital service is safe, respected, and delivering for local communities.*". While this approach may aid consistency and robustness in decision-making within regions, it has obvious inherent limitations as it is unlikely such protocols could be established between all licensing authorities. The LGA commissioned the National Anti-Fraud Network to develop a national register of taxi and private hire vehicle driver licence refusals and revocations (the register is known as 'NR3'). **Tools such as NR3 should be used by licensing authorities to share information on a more consistent basis to mitigate the risk of non-disclosure of relevant information by applicants.**

- 4.22 For these processes to be beneficial, all licensing authorities must keep a complete and accurate record as to the reasons for refusal, suspension or revocation of a licence in order that this might be shared if requested and appropriate to do so.
- 4.23 Data protection legislation provides exemption from the rights of data subjects for the processing of personal data in connection with regulatory activities. This includes taxi and private hire vehicle licensing. The exemption applies only to information processed for the core regulatory activities of appropriate organisations; it may not be used in a blanket manner. The exemption applies only to the extent that the application of the rights of data subjects to the information in question would be likely to prejudice the proper discharge of the regulatory functions. The Information Commissioner's Office has published [guidance](#) to assist organisations to fully understand their obligations and suggest good practice.
- 4.24 If notification under paragraph 4.20 or 4.21 of a refused or revoked licence is disclosed, the relevant licensing authority should be contacted to establish when the licence was refused, suspended or revoked and the reasons why. In those circumstances, the relevant licensing authority must consider whether it should disclose any information in relation to the previous decision, consistent with its obligations under data protection legislation. If information is disclosed, it can then be taken into account in determining the applicant's fitness to be licensed. The relevance of the reason for refusing/revoking a licence must be considered. For example, if any individual was refused a licence for failing a local knowledge test, it does not have any safeguarding implications. Conversely, a revocation or refusal connected to indecency would. Licensing authorities should not simply replicate a previous decision, authorities must consider each application on its own merits and with regard to its own policies.
- 4.25 Should a licensing authority receive information that a licence holder did not disclose the information referred to in paragraph 4.20, for example by checking the NR3 register, the authority should consider whether the non-disclosure represents dishonesty and should review whether the licence holder remains 'fit and proper'.

Multi-agency Safeguarding Hub (MASH)

- 4.26 Multi-Agency Safeguarding Hubs are a way to improve the safeguarding response for children and vulnerable adults through better information sharing and high quality and timely safeguarding responses. MASHs (or similar models) should operate on three common principles: information sharing, joint decision making and coordinated intervention.
- 4.27 The Home Office report on [Multi Agency Working and Information Sharing](#) recommended that effective multi-agency working still needs to become more widespread. The Children's Commissioner's 2013 [Inquiry into Child Sexual Exploitation in Gangs and Groups](#) found that both police and local authorities still identified the inability to share information as a key barrier to safeguarding children from sexual abuse and exploitation.

4.28 All licensing authorities should operate or establish a means to facilitate the objectives of a MASH (i.e. the sharing of necessary and relevant information between stakeholders). As has been emphasised throughout this document, one of the most effective ways to minimise the risk to children and vulnerable adults when using taxis and private hire vehicles is to ensure that decisions on licensing individuals are made with the fullest knowledge possible.

Complaints against licensees

4.29 Complaints about drivers and operators provide a source of intelligence when considering the renewal of a licence or to identify problems during the period of the licence. Patterns of behaviour such as complaints against drivers, even when they do not result in further action in response to an individual complaint, may be indicative of characteristics that raise doubts over the suitability to hold a licence. **All licensing authorities should have a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees.** Such a system will help authorities to build a fuller picture of the potential risks an individual may pose and may tip the 'balance of probabilities' assessment that licensing authorities must take.

4.30 Licensees with a high number of complaints made against them should be contacted by the licensing authority and concerns raised with the driver and operator (if appropriate). Further action in terms of the licence holder must be determined by the licensing authority, which could include no further action, the offer of training, a formal review of the licence, or formal enforcement action.

4.31 To ensure that passengers know who to complain to, licensing authorities should produce guidance for passengers on making complaints directly to the licensing authority that should be available on their website. Ways to make complaint to the authority should be displayed in all licensed vehicles. This is likely to result in additional work for the licensing authority but has the advantage of ensuring consistency in the handling of complaints. Currently, it is more likely that a complaint against a taxi driver would be made directly to the licensing authority whereas a complaint against a private hire vehicle driver is more likely to be made to the operator. An effective partnership in which operators can share concerns regarding drivers is also encouraged.

4.32 Importantly, this approach will assist in the directing of complaints and information regarding the behaviour of drivers who may be carrying a passenger outside of the area in which the driver is licensed to the authority that issued the licence. In order for this to be effective licensing authorities must ensure that drivers are aware of a requirement to display information on how to complain and take appropriate sanctions against those that do not comply with this requirement.

4.33 In terms of investigating complaints CCTV footage of an incident can provide an invaluable insight, providing an 'independent witness' to an event. This can assist in the decision whether to suspend or revoke a licence. The potential benefits of mandating CCTV in vehicles is discussed in paragraphs 7.7 - 7.12.

Overseas convictions

- 4.34 The DBS cannot access criminal records held overseas, only foreign convictions that are held on the Police National Computer may, subject to the disclosure rules, be disclosed. Therefore, a DBS check may not provide a complete picture of an individual's criminal record where there have been periods living or working overseas; the same applies when an applicant has previously spent an extended period (three or more continuous months) outside the UK. It should however be noted that some countries will not provide an 'Certificate of Good Character' unless the individual has been resident for six months or more
- 4.35 Licensing authorities should seek or require applicants to provide where possible criminal records information or a 'Certificate of Good Character' from overseas in this circumstance to properly assess risk and support the decision-making process (. It is the character of the applicant as an adult that is of particular interest, therefore an extended period outside the UK before the age of 18 may be less relevant. As with all licensing decisions, each case must be considered on its own merits. For information on applying for overseas criminal record information or 'Certificates of Good Character' please see the Home Office [guidance](#).
- 4.36 Where an individual is aware that they have committed an offence overseas which may be equivalent to those listed in the annex to this document (Annex – Assessment of previous convictions), licensing authorities should advise the applicant to seek independent expert or legal advice to ensure that they provide information that is truthful and accurate.

5. Decision Making

Administration of the licensing framework

- 5.1 A policy is only effective if it is administered properly. The taxi and private hire vehicle licensing functions of local councils are non-executive functions i.e. they are functions of the council rather than the executive (such as the Cabinet). The functions include the determination of licence applications, reviews and renewals, along with the attachment of conditions when considered appropriate. The function may be delegated to a committee, a sub-committee or an officer – which should be set out within a clear scheme of delegation. In London the taxi and private hire vehicle licensing function is undertaken by Transport for London.
- 5.2 Licensing authorities should ensure that all individuals that determine whether a licence is issued or refused are adequately resourced to allow them to discharge the function effectively and correctly.

Training decision makers

- 5.3 **All individuals that determine whether a licence is issued should be required to undertake sufficient training.** As a minimum, training for a member of a licensing committee should include: licensing procedures, natural justice, understanding the risks of CSAE, disability and equality awareness and the making of difficult and potentially controversial decisions. Training should not simply relate to procedures, but should include the use of case study material to provide context and real scenarios. All training should be formally recorded by the licensing authority and require a signature from the person that has received the training. Training is available from a number of organisations including the Institute of Licensing and Lawyers in Local Government; the LGA may also be able to assist in the development of training packages.
- 5.4 Public safety is the paramount consideration but the discharge of licensing functions must be undertaken in accordance with the following general principles:
- policies should be used as internal guidance, and should be supported by a member/officer code of conduct.
 - any implications of the Human Rights Act should be considered.
 - the rules of natural justice should be observed.
 - decisions must be reasonable and proportionate.
 - where a hearing is required it should be fairly conducted and allow for appropriate consideration of all relevant factors.
 - decision makers must avoid bias (or even the appearance of bias) and predetermination.
 - data protection legislation.

5.5 When a decision maker has a prejudicial interest in a case, whether it be financial or a personal relationship with those involved they should declare their interest at the earliest opportunity; this must be prior to any discussions or votes and, once declared, they must leave the room for the duration of the discussion or vote.

The regulatory structure

5.6 It is recommended that councils operate with a Regulatory Committee or Board that is convened at periodic intervals to determine licensing matters, with individual cases being considered by a panel of elected and suitably trained councillors drawn from a larger Regulatory Committee or Board. This model is similar to that frequently adopted in relation to other licensing matters. To facilitate the effective discharge of the functions, less contentious matters can be delegated to appropriately authorised council officers via a transparent scheme of delegation.

5.7 It is considered that this approach also ensures the appropriate level of separation between decision makers and those that investigate complaints against licensees, and is the most effective method in allowing the discharge of the functions in accordance with the general principles referred to in 5.4. In particular, the Committee/Board model allows for:

- Each case to be considered on its own merits. It is rare for the same councillors to be involved in frequent hearings – therefore the councillors involved in the decision making process will have less knowledge of previous decisions and therefore are less likely to be influenced by them. Oversight and scrutiny can be provided in relation to the licensing service generally, which can provide independent and impartial oversight of the way that the functions are being discharged within the authority.
- Clear separation between investigator and the decision maker – this demonstrates independence, and ensures that senior officers can attempt to resolve disputes in relation to service actions without the perception that this involvement will affect their judgement in relation to decisions made at a later date.

5.8 Avoidance of bias or even the appearance of bias is vital to ensuring good decisions are made and instilling and/or maintaining confidence in the licensing regime by passengers and licensees.

5.9 Unlike officers, elected members are not usually involved in the day to day operation of the service and as such do not have relationships with licence holders that may give the impression that the discharge of a function is affected by the relationship between the decision maker and the licence holder.

5.10 Some licensing authorities may decide to operate a system whereby all matters are delegated to a panel of officers; however, this approach is not recommended and caution should be exercised. Decisions must be, and be seen to be, made objectively, avoiding any bias. In addition, it may be more difficult to demonstrate compliance with the principles referred to above due to the close

connection between the officers on the panel, and those involved in the operational discharge of the licensing functions.

- 5.11 Whether the structure proposed is introduced or an alternative model is more appropriate in local circumstances, the objective should remain the same - to separate the investigation of licensing concerns and the management of the licence process. Regardless of which approach is adopted, **all licensing authorities should consider arrangements for dealing with serious matters that may require the immediate revocation of a licence.** It is recommended that this role is delegated to a senior officer/manager with responsibility for the licensing service.

Fit and proper test

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

Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?

- 5.13 If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.
- 5.14 Licensing authorities have to make difficult decisions but (subject to the points made in paragraph 5.4) the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

Criminal convictions and rehabilitation

- 5.15 In considering an individual's criminal record, licensing authorities must consider each case on its merits, but they should take a particularly cautious view of any offences against individuals with special needs, children and other vulnerable groups, particularly those involving violence, those of a sexual nature and those linked to organised crime. In order to achieve consistency, and to mitigate the risk of successful legal challenge, licensing authorities should have a clear policy for the consideration of criminal records. This should include, for example, which offences would prevent an applicant from being licenced regardless of the period elapsed in all but truly exceptional circumstances. In the case of lesser offences, a policy should consider the number of years the authority will require to have elapsed since the commission of particular kinds of offences before they will grant a licence.

- 5.16 Annexed to this document are the Department's recommendations on the assessment of previous convictions (Annex – Assessment of previous convictions). This draws on the work of the Institute of Licensing, in partnership with the LGA, the National Association of Licensing Enforcement Officers (NALEO) and Lawyers in Local Government, in publishing its guidance on determining the suitability of taxi and private hire vehicle licensees.
- 5.17 These periods should be taken as a starting point in considering whether a licence should be granted or renewed in all cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain a licence. Authorities are however reminded that applicants are entitled to a fair and impartial consideration of their application.

6. Driver Licensing

Criminality checks for drivers

- 6.1 Licensing authorities are entitled to request an enhanced criminal record certificate with check of the barred lists from the DBS for all driver licence holders or applicants. The DfT's 2019 [survey of taxi and private hire vehicle licensing authorities](#) shows that all licensing authorities in England and Wales have a requirement that an enhanced DBS check is undertaken at first application or renewal.
- 6.2 All individuals applying for or renewing a taxi or private hire vehicle drivers licence licensing authorities should carry out a check of the children and adult Barred Lists in addition to being subject to an enhanced DBS check (in section x61 of the DBS application 'Other Workforce' should be entered in line 1 and 'Taxi Licensing' should be entered at line 2). All licensed drivers should also be required to evidence continuous registration with the DBS update service to enable the licensing authority to routinely check for new information every six months. Drivers that do not subscribe up to the Update Service should still be subject to a check every six months.
- 6.3 Driving a taxi or private hire vehicle is not, in itself, a regulated activity for the purposes of the barred list. This means that an individual subject to barring would not be legally prevented from being a taxi or private hire vehicle driver but the licensing authority should take an individual's barred status into account alongside other information available. **In the interests of public safety, licensing authorities should not, as part of their policies, issue a licence to any individual that appears on either barred list.** Should a licensing authority consider there to be exceptional circumstances which means that, based on the balance of probabilities they consider an individual named on a barred list to be 'fit and proper', the reasons for reaching this conclusion should be recorded.
- 6.4 Drivers working under an arrangement to transport children may be working in 'regulated activity' as defined by the [Safeguarding Vulnerable Groups Act 2006](#). It is an offence to knowingly allow a barred individual to work in regulated activity. The [guidance on home-to-school travel and transport](#) issued by the Department for Education should be considered alongside this document. Please see [guidance](#) on driver DBS eligibility and how to apply.

Safeguarding awareness

- 6.5 Licensing authorities should consider the role that those in the taxi and private hire vehicle industry can play in spotting and reporting the abuse, exploitation or neglect of children and vulnerable adults. As with any group of people, it is overwhelmingly the case that those within the industry can be an asset in the detection and prevention of abuse or neglect of children and vulnerable adults. However, this is only the case if they are aware of and alert to the signs of potential abuse and know where to turn to if they suspect that a child or vulnerable adult is at risk of harm or is in immediate danger.

6.6 All licensing authorities should provide safeguarding advice and guidance to the trade and should require taxi and private hire vehicle drivers to undertake safeguarding training. This is often produced in conjunction with the police and other agencies. These programmes have been developed to help drivers and operators:

- provide a safe and suitable service to vulnerable passengers of all ages;
- recognise what makes a person vulnerable; and
- understand how to respond, including how to report safeguarding concerns and where to get advice.

6.7 Since 2015, the Department for Education (DfE) has run a nationwide campaign – *‘Together, we can tackle child abuse’* which aims to increase public understanding of how to recognise the signs to spot and encourage them to report child abuse and neglect. The DfE continues to promote and raise awareness of the campaign materials through its [online toolkit](#), for local authorities, charities and organisations for use on their social media channels.

‘County lines’ exploitation

6.8 County lines is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs (primarily crack cocaine and heroin) into one or more importing areas [within the UK], using dedicated mobile phone lines or other form of “deal line”.

6.9 Exploitation is an integral part of the county lines offending model with children and vulnerable adults exploited to transport (and store) drugs and money between locations. Children aged between 15-17 make up the majority of the vulnerable people involved in county lines, but they may also be much younger. We know that both girls and boys are groomed and exploited and offenders will often use coercion, intimidation, violence (including sexual violence) and weapons to ensure compliance of victims. Children exploited by county lines gangs may have vulnerabilities besides their age, such as broader mental health issues, disrupted or chaotic homes, substance misuse issues, being excluded from school or frequently going missing.

6.10 The National Crime Agency’s 2018 county lines threat assessment set out that the national road network is key to the transportation of county lines victims, drugs and cash; with hire vehicles being one of the methods used for transportation between locations.

6.11 Safeguarding awareness training should include the ways in which drivers can help to identify county lines exploitation. Firstly, they should be aware of the following warning signs:

- Children and young people travelling in taxis or private hire vehicles alone;

- travelling at unusual hours (during school time, early in the morning or late at night);
- travelling long distances;
- unfamiliar with the local area or do not have a local accent;
- paying for journeys in cash or prepaid.

6.12 The Home Office is working with partners to raise awareness of county lines and has provided [material](#) to help taxi and private vehicle hire staff to identify victims and report concerns to protect those exploited through this criminal activity.

6.13 Drivers (or any person) should be aware of what to do if they believe a child or vulnerable person is at risk of harm. If the risk is immediate they should contact the police otherwise they should:

- use the local safeguarding process, the first step of which is usually to contact the safeguarding lead within the local authority;
- call Crime Stoppers on 0800 555 111.

Language proficiency

6.14 A lack of language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation. Oral proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others.

6.15 A licensing authority's test of a driver's proficiency should cover both oral and written English language skills to achieve the objectives stated above.

7. Vehicle Licensing

7.1 As with driver licensing, the objective of vehicle licensing is to protect the public, who trust that the vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those granted a vehicle licence also pose no threat to the public and have no links to serious criminal activity. Although vehicle proprietors may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the licensing regime.

Criminality checks for vehicle proprietors

7.2 Enhanced DBS and barred list checks are not available for vehicle licensing. **Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the ‘fit and proper’ threshold.

7.3 However, it is important that authorities acknowledge that in many cases individuals that license a vehicle may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking to licence a vehicle to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately.

7.4 A refusal to license an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a vehicle or private hire vehicle operator licence; these decisions must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant’s full consent has been given.

7.5 Private hire vehicle operator and vehicle licences may be applied for by a company or partnership; licensing authorities should apply the ‘fit and proper’ test to each of the directors or partners in that company or partnership. For this to be effective private hire vehicle operators and those to whom a vehicle licence should be required to advise the licensing authority of any change in directors or partners.

7.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas so other checks must be considered where and applicant has lived or worked overseas (see paragraph 4.34 - 4.36).

In-vehicle visual and audio recording – CCTV

7.7 Government has acknowledged the potential risk to public safety when passengers travel in taxis and private hire vehicles. It is unfortunately the case that no matter how complete the information available to licensing authorities is when assessing whether to issue any taxi or private hire vehicle licence, nor how robust the policies in place are and the rigor with which they are applied, it will never completely remove the possibility of harm to passengers by drivers.

7.8 The Department's view is that CCTV can provide additional deterrence to prevent this and investigative value when it does. The use of CCTV can provide a safer environment for the benefit of taxi/private hire vehicle passengers and drivers 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.

7.9 All licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues.

7.10 While only a small minority of licensing authorities have so far mandated all vehicles to be fitted with CCTV systems, the experience of those authorities that have has been positive for both passengers and drivers. In addition, the evidential benefits of CCTV may increase the level of reporting of sexual offences. According to the [Crime Survey for England and Wales](#) only 17 percent of victims report their experiences to the police, 28 percent of rape or sexual assault victims indicated that a fear they would not be believed as a factor in them not reporting the crime. The evidential benefits CCTV could provide are therefore an important factor when considering CCTV in vehicles.

7.11 The mandating of CCTV in vehicles may deter people from seeking a taxi or private hire vehicle licence with the intent of causing harm. Those that gain a licence and consider perpetrating an opportunistic attack against a vulnerable unaccompanied passenger may be deterred from doing so. It is however unfortunately the case that offences may still occur even with CCTV operating.

7.12 CCTV systems that are able to record audio as well as visual data may also help the early identification of drivers that exhibit inappropriate behaviour toward passengers. Audio recording should be both overt (i.e. all parties should be aware when recordings are being made) and targeted (i.e. only when passengers (or

drivers) consider it necessary). The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button.

- 7.13 Imposition of a blanket requirement to attach CCTV as a condition to a licence is likely to give rise to concerns about the proportionality of such an approach and will therefore require an appropriately strong justification and must be kept under regular review. More information and guidance on assessing the impacts of CCTV and on an authority mandating CCTV is annexed to this document (Annex – CCTV guidance).

Stretched Limousines

- 7.14 Licensing authorities are sometimes asked to license small (those constructed or adapted to carry fewer than nine passengers) limousines as private hire vehicles, these vehicles may be used for transport to 'school proms' as well as for adult bookings. It is suggested that licensing authorities should approach such requests on the basis that these vehicles – where they have fewer than nine passenger seats - have a legitimate role to play in the private hire trade, meeting a public demand. It is the Department's view that it is not a legitimate course of action for licensing authorities to adopt policies that exclude limousines as a matter of principle thereby excluding these services from the scope of the private hire vehicle regime and the safety benefits this provides. A blanket policy of excluding limousines may create an unacceptable risk to the travelling public, as it may lead to higher levels of unsupervised operation. Public safety considerations are best supported by policies that allow respectable, safe operators to obtain licences on the same basis as other private hire vehicle operators.
- 7.15 Stretched large limousines which clearly seat more than eight passengers should not be licensed as private hire vehicles because they are outside the licensing regime for private hire vehicles. However, in some circumstances a vehicle with space for more than eight passengers can be licensed as a private hire vehicle where the precise number of passenger seats is hard to determine. In these circumstances, the authority should consider the case on its merits in deciding whether to license the vehicle under the strict condition that the vehicle will not be used to carry more than eight passengers, bearing in mind that refusal may encourage illegal private hire operation.

8. Private Hire Vehicle Operator Licensing

8.1 As with driver licensing, the objective in licensing private hire vehicle operators is to protect the public, who may be using operators' premises and trusting that the drivers and vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those that are granted a private hire vehicle operator also pose no threat to the public and have no links to serious criminal activity. Although private hire vehicle operators may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the driver licensing regime.

Criminality checks for private hire vehicle operators

8.2 Enhanced DBS and barred list checks are not available for private hire vehicle operator licensing. **Licensing authorities should request a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the 'fit and proper' threshold.

8.3 However, it is important that authorities acknowledge that in many cases individuals that license as a private hire vehicle operator may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking a private hire vehicle operator licence to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately

8.4 Refusal to license an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a private hire vehicle operator licence; this decision must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

8.5 A private hire vehicle operator licence may be applied for by a company or partnership; licensing authorities should apply the 'fit and proper' test to each of the directors or partners in that company or partnership. For this to be effective

private hire vehicle operators should be required to advise the licensing authority of any change in directors or partners.

- 8.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas. Further information on assessing the suitability of those that have spent extended periods in overseas is provided in paragraphs 4.34 - 4.36.

Booking and dispatch staff

- 8.7 Private hire vehicle drivers are not the only direct contact that private hire vehicle users have with private hire vehicle operators' staff, for example a person taking bookings (be it by phone or in person). A vehicle dispatcher decides which driver to send to a user, a position that could be exploited by those seeking to exploit children and vulnerable adults. It is therefore appropriate that all staff that have contact with private hire vehicle users and the dispatching of vehicles should not present an undue risk to the public or the safeguarding of children and vulnerable adults.
- 8.8 Licensing authorities should be satisfied that private hire vehicle operators can demonstrate that all staff that have contact with the public and/or oversee the dispatching of vehicles do not pose a risk to the public. **Licensing authorities should, as a condition of granting an operator licence, require a register of all staff that will take bookings or dispatch vehicles is kept.**
- 8.9 Operators should be required to evidence that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff and to ensure that Basic DBS checks are conducted on any individuals added to the register and that this is compatible with their policy on employing ex-offenders. DBS certificates provided by the individual should be recently issued when viewed, alternatively the operator could use a '[responsible organisation](#)' to request the check on their behalf. When individuals start taking bookings and dispatching vehicles for an operator they should be required, as part of their employment contract, to advise the operator of any convictions while they are employed in this role.
- 8.10 The register should be a 'living document' that maintains records of all those in these roles for the same duration as booking records are required to be kept, this will enable cross-referencing between the two records. A record that the operator has had sight of a basic DBS check certificate (although the certificate itself should not be retained) should be retained for the duration that the individual remains on the register. Should an employee cease to be on the register and later re-entered, a new basic DBS certificate should be requested and sight of this recorded.
- 8.11 Operators may outsource booking and dispatch functions but they cannot pass on the obligation to protect children and vulnerable adults. Operators should be required to evidence that comparable protections are applied by the company to which they outsource these functions.

8.12 Licensing authorities should also require operators or applicants for a licence to provide their policy on employing ex-offenders in roles that would be on the register as above. As with the threshold to obtaining a private hire vehicle operators' licence, those with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, may not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car.

Record keeping

8.13 Section 56 of the [Local Government \(Miscellaneous Provisions\) Act 1976](#) requires private hire vehicle operators to keep records of the particulars of every booking invited or accepted, whether it is from the passenger or at the request of another operator. **Licensing authorities should as a minimum require private hire vehicle operators to record the following information for each booking:**

- the name of the passenger;
- the time of the request;
- the pick-up point;
- the destination;
- the name of the driver;
- the driver's licence number;
- the vehicle registration number of the vehicle;
- the name of any individual that responded to the booking request;
- the name of any individual that dispatched the vehicle.

8.14 This information will enable the passenger to be traced if this becomes necessary and should improve driver security and facilitate enforcement. It is suggested that booking records should be retained for a minimum of six months.

8.15 Private hire vehicle operators have a duty under data protection legislation to protect the information they record. The Information Commissioner's Office provides comprehensive on-line guidance on registering as a data controller and how to meet their obligations.

Use of passenger carrying vehicles (PCV) licensed drivers

8.16 PCV licensed drivers are subject to different checks from taxi and private hire vehicle licensed drivers as the work normally undertaken, i.e. driving a bus, does not present the same risk to passengers. Members of the public are entitled to expect when making a booking with a private hire vehicle operator that they will receive a private hire vehicle licensed vehicle and driver. **The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such**

as a minibus to undertake a private hire vehicle booking should not be permitted as a condition of the private hire vehicle operator's licence without the informed consent of the booker.

- 8.17 Where a private hire vehicle is unsuitable, for example where a larger vehicle is needed because more than eight passenger seats required or to accommodate luggage, the booker should be informed that a PSV is necessary, and that a PCV licenced driver will be used who is subject to different checks and not required to have an enhanced DBS check.

9. Enforcing the Licensing Regime

9.1 Implementing an effective framework for licensing authorities to ensure that as full a range of information made available to suitably trained decision makers that are supported by well-resourced officials is essential to a well-functioning taxi and private hire vehicle sector. These steps will help prevent the licensing of those that are not deemed 'fit and proper' but does not ensure that those already licensed continue to display the behaviours and standards expected.

Joint authorisation of enforcement officers

9.2 Licensing authorities should, where the need arises, jointly authorise officers from other authorities so that compliance and enforcement action can be taken against licensees from outside their area. An agreement between licensing authorities to jointly authorise officers enables the use of enforcement powers regardless of which authority within the agreement the officer is employed by and which issued the licence. This will mitigate the opportunities for drivers to evade regulation. Such an agreement will enable those authorities to take action against vehicles and drivers that are licensed by the other authority when they cross over boundaries. A model for agreeing joint authorisation is contained in the [LGA Councillors' handbook](#).

Setting expectations and monitoring

9.3 Licensing authorities should ensure that drivers are aware of the policies that they must adhere and are properly informed of what is expected of them and the repercussions for failing to do so. Some licensing authorities operate a points-based system, which allows minor breaches to be recorded and considered in context while referring those with persistent or serious breaches to the licensing committee. This has the benefit of consistency in enforcement and makes better use of the licensing committee's time.

9.4 The provision of a clear, simple and well-publicised process for the public to make complaints about drivers and operators will enable authorities to target compliance and enforcement activity (see paragraphs 4.29 - 4.33). This will provide a further source of intelligence when considering the renewal of licences and of any additional training that may be required. It is then for the licensing authority to consider if any intelligence indicates a need to suspend or revoke a licence in the interests of public safety.

Suspension and revocation of driver licences

9.5 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 provides a licensing authority with the ability to suspend or revoke a driver's licence on the following grounds: -

(a) that he has since the grant of the licence—

- (i) been convicted of an offence involving dishonesty, indecency or violence; or
- (ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act;
- (aa) that he has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty; or
- (b) any other reasonable cause

9.6 Licensing authorities have the option to suspend or revoke a licence should information be received that causes concern over whether a driver is a fit and proper person. Where the licence holder has been served an immigration penalty or convicted of an immigration offence the licence should be revoked immediately. [Guidance for licensing authorities](#) to prevent illegal working in the taxi and private hire vehicle sector has been issued by the Home Office. As with the initial decision to license a driver, this determination must be reached based on the balance of probabilities, not on the burden of beyond reasonable doubt.

9.7 Before any decision is made, the licensing authority must give full consideration to the available evidence and the driver should be given the opportunity to state his or her case. If a period of suspension is imposed, it cannot be extended or changed to revocation at a later date.

9.8 A decision to revoke a licence does not however prevent the reissuing of a licence should further information be received that alters the balance of probability of a decision previously made. The decision to suspend or revoke was based on the evidence available at the time the determination was made. New evidence may, of course, become available later.

9.9 New evidence may be produced at an appeal hearing that may result in the court reaching a different decision to that reached by the council or an appeal may be settled by agreement between the licensing authority and the driver on terms which, in the light of new evidence, becomes the appropriate course. If, for example, the allegations against a driver were now, on the balance of probability, considered to be unfounded, a suspension could be lifted or, if the licence was revoked, an expedited re-licensing process used.

9.10 A suspension may still be appropriate if it is believed that a minor issue can be addressed through additional training. In this instance the licence would be returned to the driver once the training has been completed without further consideration. This approach is clearly not appropriate where the licensing authority believes that, based on the information available at that time, on the balance of probability it is considered that the driver presents a risk to public safety.

Annex – Assessment of Previous Convictions

Legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is 'fit and proper' to hold a taxi or private hire vehicle licence. The following recommendations to licensing authorities on previous convictions reflect this.

Authorities must consider each case on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application. Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.

Crimes resulting in death

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

Exploitation

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

Offences involving violence against the person

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

Possession of a weapon

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

Sexual offences

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

In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.

Dishonesty

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

Drugs

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

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

Discrimination

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

Motoring convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.

Drink driving/driving under the influence of drugs

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Using a hand-held device whilst driving

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

Annex – Disclosure and Barring Service information

Table 1: Information included in criminal record checks

Information included	Type of check			
	Basic check	Standard DBS check	Enhanced DBS check	Enhanced DBS (including barred list) check
Unspent convictions	Yes	Yes	Yes	Yes
Unspent cautions ¹	Yes	Yes	Yes	Yes
Spent convictions ²	No	Yes	Yes	Yes
Spent cautions ^{1 & 2}	No	Yes	Yes	Yes
Additional police Information ³	No	No	Yes	Yes
Barred list(s) Information ⁴	No	No	No	Yes

1. Does not include fixed penalty notices, penalty notices for disorder or any other police or other out-of-court disposals.
2. Spent convictions and cautions that have become protected under the Rehabilitation of Offenders Act 1974 (Exceptions Order) 1975, as amended, are not automatically disclosed on any level of certificate. Further guidance is available [the DBS filtering guide](#).
3. This is any additional information held by the police which a chief police officer reasonably believes to be relevant and considers ought to be disclosed.
4. This is information as to whether the individual concerned is included in the children's or adults' barred lists maintained by the Disclosure and Barring Service (DBS).

Annex – CCTV Guidance

It is important to note that, in most circumstances, a licensing authority which mandates the installation of CCTV systems in taxis and private hire vehicles will be responsible for the data – the data controller. It is important that data controllers fully consider concerns regarding privacy and licensing authorities should consider how systems are configured, should they mandate CCTV (with or without audio recording). For example, vehicles may not be exclusively used for business, also serving as a car for personal use - it should therefore be possible to manually switch the system off (both audio and visual recording) when not being used for hire. Authorities should consider the Information Commissioner's view on this matter that, in most cases, a requirement for continuous operation is unlikely to be fair and lawful processing of personal data.

The Home Office '[Surveillance Camera Code of Practice](#)' advises that government is fully supportive of the use of overt surveillance cameras in a public place whenever that use is:

- in pursuit of a legitimate aim;
- necessary to meet a pressing need;
- proportionate;
- effective, and;
- compliant with any relevant legal obligations

The Code also sets out 12 guiding principles which, as a 'relevant authority' under section 33(5) of the [Protection of Freedoms Act 2012](#), licensing authorities must have regard to. It must be noted that, where a licence is granted subject to CCTV system conditions, the licensing authority assumes the role and responsibility of 'System Operator'. The role requires consideration of all guiding principles in this code. The failure to comply with these principles may be detrimental to the use of CCTV evidence in court as this may be raised within disclosure to the Crown Prosecution Service and may be taken into account.

The Surveillance Camera Commissioner (SCC) has provided guidance on the Surveillance Camera Code of Practice in its '[Passport to Compliance](#)' which provides guidance on the necessary stages when planning, implementing and operating a surveillance camera system to ensure it complies with the code. The Information Commissioner's Office (ICO) has also published a [code of practice](#) which, in this context, focuses on the data governance requirement associated with the use of CCTV such as data retention and disposal, which it is important to follow in order to comply with the data protection principles. The SCC provides a [self-assessment tool](#) to assist operators to ensure compliance with the principles set out in the Surveillance Camera Code of Practice. The SCC also operate a [certification scheme](#); authorities that obtain this accreditation are able to clearly demonstrate that their systems conform to the SCC's best practice and are fully compliant with the Code and increase public confidence that any risks to their privacy have been fully considered and mitigated.

The [Data Protection Act 2018](#) regulates the use of personal data. Part 2 of the Data Protection Act applies to the general processing of personal data, and references and supplements the General Data Protection Regulation. Licensing authorities, as data controllers, must comply with all relevant aspects of data protection law. Particular attention should be paid to the rights of individuals which include the right to be informed, of access

and to erasure. The ICO has provided detailed [guidance](#) on how data controllers can ensure compliance with these.

It is a further requirement of data protection law that before implementing a proposal that is likely to result in a high risk to the rights and freedoms of people, an impact assessment on the protection of personal data shall be carried out. The ICO recommends in [guidance](#) that if there is any doubt as to whether a Data Protection Impact Assessment (DPIA) is required one should be conducted to ensure compliance and encourage best practice. A DPIA will also help to assess properly the anticipated benefits of installing CCTV (to passengers and drivers) and the associated privacy risks; these risks might be mitigated by having appropriate privacy information and signage, secure storage and access controls, retention policies, training for staff how to use the system, etc.

It is essential to ensure that all recordings made are secure and can only be accessed by those with legitimate grounds to do so. This would normally be the police if investigating an alleged crime or the licensing authority if investigating a complaint or data access request. Encryption of the recording to which the licensing authority, acting as the data controller, holds the key, mitigates this issue and protects against theft of the vehicle or device. It is one of the guiding principles of data protection legislation, that personal data (including in this context, CCTV recordings and other potentially sensitive passenger information) is handled securely in a way that 'ensures appropriate security', including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

All passengers must be made fully aware if CCTV is operating in a vehicle. Given that audio recording is considered to be more privacy intrusive, it is even more important that individuals are fully aware and limited only to occasions when passengers (or drivers) consider it necessary. The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button. As well as clear signage in vehicles, information on booking systems should be introduced. This might be text on a website, scripts or automated messages on telephone systems; the Information Commissioner's Office (ICO) has issued guidance on privacy information and the right to be informed on its website.

Annex - Staying Safe: Guidance for Passengers

Licensing authorities should provide guidance to assist passengers in identifying licensed vehicles and the increased risks of using unlicensed vehicles. The guidance might include advice on:

- how to tell if a taxi or private hire vehicle is licensed.

Educate the public in the differences between taxis and private hire vehicles e.g.:

- a taxi can be flagged down or pre-booked.
- a private hire vehicle that has not been pre-booked should not be used as it will not be insured and may not be licensed.
- what a private hire vehicle should look like e.g. colour, signage, licence plates etc.
- the benefit of pre-booking a return vehicle before going out.
- arrange to be picked up from a safe meeting point.
- requesting at the time of booking what the fare is likely to be.

When using a private hire vehicle, passengers should always:

- book with a licensed operator.
- confirm their booking with the driver when s/he arrives.
- note the licence number.
- sit in the back, behind the driver.
- let a third party know details of their journey.

When using a taxi, passengers should where possible:

- use a taxi rank and choose one staffed by taxi marshals if available.

Medical Examination Proposals and Local Authority Comparisons

Group	Current Policy	Proposed Policy	Chesterfield Borough Council	Amber Valley Borough Council	Derbyshire Dales District Council	Derby City Council	South Derbyshire District Council	Erewash Borough Council	High Peak Borough Council
Under 45	on initial application then no further medical until 45	3 years	3 years	on initial application then no further medical until 45	3 years	on initial application and at each renewal	5 years(medical) 2 years (eyesight)	on initial application then no further medical until 45	3 years
46-64	5 years	3 years	3 years	5 years	3 years	on initial application and at each renewal	5 years(medical) 2 years (eyesight)	5 years	3 years
65+	annually	annually	annually	annually	3 years	annually	annually	annually	annually
Authorised medical practitioner	Suitably qualified medical professional	Applicants GP, or Council approved medical professional.	any doctor of applicants choice	doctor	appropriately qualified doctor	any registered medical practitioner	any registered medical practitioner	own doctor	a registered practitioner
Exemptions	none		not required for PSV or HGV drivers if can provide proof of current medical	not required for PSV or HGV drivers	none	none	none	none	PSV and/or HGV drivers no medical if can produce one less than 12 months old at time of application

Bolsover District Council

General Licensing Committee

28 July 2021

MANDATORY CCTV IN TAXIS

Report of the Solicitor & Deputy Monitoring Officer

Classification: This report is public

Report By: Kevin Shillitto, Solicitor & Deputy Monitoring Officer

Contact Officer: As above

PURPOSE / SUMMARY

To review, and approve for public consultation, amendments to the Council's Taxi Licensing Policy introducing mandatory CCTV in licensed taxis

RECOMMENDATIONS

1. That members determine if they wish to take forward the policy proposals or find a compelling local reason not to.
2. If members agree to proceed, that the attached policy proposal is approved for the purposes of consultation with the public, the taxi trade and with stakeholders.

Approved by the Portfolio Holder - [Click here to enter text.](#)

IMPLICATIONS

Finance and Risk: Yes No

Details:

There will be a minor cost associated with carrying out the consultation. This can be accommodated from existing budgets.

While the purchase of CCTV systems will be a burden which falls on vehicle proprietors there will be consequences for the authority including:

- Purchase and maintenance of equipment allowing Council officers to access footage

- Training of vehicle inspectors to verify CCTV installation plus additional time taken to test vehicles
- The additional officer time incurred in obtaining and viewing footage from vehicles for investigation purposes
- Training of proprietors/drivers in their data protection obligations (as part of our responsibility as Data Controller for the CCTV footage)
- The additional officer time incurred in obtaining and viewing footage from vehicles where requested under data protection laws by anyone who is subject to recording (for any purpose whatsoever)

Eventual implementation of the policy will need those resource implications to be resolved. However some elements of the additional resource burden would be recoverable from the licence holders via an increase in licence application fees.

On Behalf of the Section 151 Officer

Legal (including Data Protection):

Yes

No

Details:

The Council must have reasonable grounds for introducing the policy. Statutory guidance indicates the policy will be reasonable unless compelling local reasons exist not to introduce it. Any such policy must also operate in a way that does not cause undue interference with the human rights of taxi occupants, and work in a manner compatible with the requirements of the ICO and SCC.

On Behalf of the Solicitor to the Council

Staffing: Yes

No

Details:

[Click here to enter text.](#)

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
<p>Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:</p> <p>BDC: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input checked="" type="checkbox"/></p> <p>NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/></p> <p><input checked="" type="checkbox"/> Please indicate which threshold applies</p>	No
<p>Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)</p>	No
District Wards Significantly Affected	None
<p>Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet / Executive <input type="checkbox"/> SAMT <input type="checkbox"/> Relevant Service Manager <input checked="" type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/></p>	Yes Details: To be consulted on

Links to Council Ambition (BDC)/Council Plan (NED) priorities or Policy Framework including Climate Change, Equalities, and Economics and Health implications.
All

REPORT DETAILS

1 **Background** *(reasons for bringing the report)*

- 1.1 In 2018 the Council approved a taxi licensing policy which was at the leading edge of best practice, regional standards and Government guidance in force at that time.
- 1.2 In recent years some local authorities such as Rotherham MBC have introduced a requirement for mandatory CCTV in licensed taxis, in response to local issues where CCTV could make a difference. In 2019 officers began to assess the basis on which this Council could introduce such a measure on a preventative basis, i.e. that it would deter criminal behaviour and protect both the public and those in the taxi trade
- 1.3 As part of that work officers explored the complex legal requirements and restrictions which apply to a policy of this type. Officers have also carried out research on those authorities where such a measure has been introduced.

The initial findings can be summarised as follows:

- As of 2019 there were only 4% of local authorities (13 councils) with a mandatory requirement for CCTV. These are predominantly cities or metropolitan boroughs and/or areas where they have experienced significant levels of serious criminal activity involving taxis.
- There is a strict legal framework applicable to CCTV in taxis, based on administrative law and guidance issued by the Information Commissioner's Office (ICO) and the Surveillance Camera Commissioner (SCC). Details are set out below.
- There are 2 options from a data protection perspective: (1) each vehicle proprietor can be responsible for the footage and act as data controller, and if the Council or other persons wish to view the footage they must request it from the proprietor; or (2) the Council acts as data controller, having greater control over the footage but with it taking on responsibility for the safe and secure management of that data.
- A number of CCTV systems are in use across the country where required by those licensing authorities. The model used in most cases is to generate a suitable set of technical specifications, with subsequent identification of available systems which meet those requirements. Within these parameters the choice of system lies with the vehicle proprietor.
- Some vehicle proprietors/private hire operators are rolling out CCTV in their vehicles voluntarily, albeit using systems of their own choice.
- The Information Commissioner's Office has issued preliminary enforcement notices on Portsmouth and Southampton councils in relation to problems with their respective policies on continuous recording of images. It is expected that these will eventually end up being challenged in court too. This underlines the importance of being precise and careful in determining the form and extent of policy a council can implement and/or the level of evidence required to justify such a policy.
- It is recognised that while problems with serious crime, CSE etc are not evidenced within the district, they have occurred elsewhere in the country and one advantage of CCTV is it can act as a deterrent.

- 1.4 The key legal requirements are that the Council has reasonable grounds for introducing the policy. Any such policy must also operate in a way that does not cause undue interference with the human rights of taxi occupants, and work in a manner compatible with the requirements of the ICO and SCC.
- 1.5 In July 2020 the Government issued their revised Statutory Taxi & Private Hire Vehicle Standards. This guidance, which the Council has a statutory obligation to have regard to, clearly demonstrates that authorities are expected to introduce mandatory CCTV in taxis unless there is a compelling local reason not to. From a legal perspective this presumption in favour of a suitable policy provides sufficient reasonable grounds for its introduction.
- 1.6 In considering whether to introduce this policy the authority must consider if there is a compelling local reason not to. It is acknowledged that there is no evidence of a serious existing problem which would require the imposition of

mandatory CCTV (no evidence of BDC taxis being used in organised crime or child sexual exploitation whether in the region or further afield). Nor have there been more than a handful of cases over recent years (perhaps one every year or two) where CCTV would have had a significant impact on the gathering of evidence of offences. However, in counterbalance to this the preventative benefits and the value to public safety must be weighed by the authority. From a legal perspective this evidence doesn't obviously amount to a compelling reason or otherwise, so it is a matter of judgement for members as to whether this constitutes a reason not to proceed with the policy.

- 1.7 Requiring the installation of a sufficiently complex CCTV system would address many of the concerns of the ICO and SCC in respect of intrusion. Audio recording would have to be limited in scope, for example activated only in emergencies. It would also necessitate the facility for the vehicle proprietor to disable the system when it is being used for private purposes. However complex systems are costly (£500-800) and the Council must be prepared for concerns from the trade of the additional financial burden they will have to incur at a time of national economic difficulty.
- 1.8 Introduction of a CCTV policy will have resource implications for the Council. While the purchase of CCTV systems will be a burden which falls on vehicle proprietors there will be consequences for the authority including:
 - Purchase and maintenance of equipment allowing Council officers to access footage
 - Training of vehicle inspectors to verify CCTV installation plus additional time taken to test vehicles
 - The additional officer time incurred in obtaining and viewing footage from vehicles for investigation purposes
 - Training of proprietors/drivers in their data protection obligations (as part of our responsibility as Data Controller for the CCTV footage)
 - The additional officer time incurred in obtaining and viewing footage from vehicles where requested under data protection laws by anyone who is subject to recording (for any purpose whatsoever)
- 1.9 In deciding whether to take this policy forward members should be aware that the eventual implementation of the policy will need those resource implications to be resolved. Members should also consider that elements of the additional resource burden would be recoverable from the licence holders via an increase in licence application fees, which would be an additional burden to applicants over and above the cost of the CCTV system itself.
- 1.10 The attached policy proposals at Appendix 1 reflect the above legal requirements and sets out criteria for a system that maintains all appropriate safeguards. The policy incorporates measures to protect privacy and human rights, maintaining compliance with guidance from the ICO and Surveillance Commissioner. Detailed impact assessments on privacy, which are an ongoing process during policy development and implementation, have been carried out and the current version can be found at Appendix 2. In addition, an update to the Equality Impact Assessment for the overall taxi policy can be found at Appendix 3.

1.11 In order to progress the policy changes a consultation with the public, the trade and other stakeholders must be undertaken. Member approval is sought to consult on the attached policy proposals, subject to any changes Licensing Committee members may wish to make. Following consultation the responses will be brought back to the Committee members, at which time a decision will be taken on whether to recommend a final policy to Council.

2. Details of Proposal or Information

2.1 See Appendix 1

3 Reasons for Recommendation

3.1 The attached policy amendments will introduce mandatory CCTV in taxis, with measures incorporated which balance the privacy interests of subjects and ensure security of their data.

3.2 In line with the new Government guidance there is a presumption in favour of introducing such a policy unless there is a compelling local reason no to do so. Given the reasons for and against such a policy as set out above, it lies within the discretion of members to determine if there is a reason not to introduce these policy changes.

3.3 If members determine that the policy change is justified, the attached proposals reflect best practice and include all relevant safeguards to ensure compliance with legal requirements.

4 Alternative Options and Reasons for Rejection

4.1 The alternative is to leave the current policy unchanged. Given the presumption in favour of mandatory CCTV this can only be justified if there is a compelling local reason to do so. Whether such a reason exists is a matter for members to determine within their discretion.

DOCUMENT INFORMATION

Appendix No	Title
1	DRAFT Taxi Licensing Policy: Hackney Carriages & Private Hire Vehicles (CCTV Supplement)
2	Privacy Impact Assessment & Environmental Health and Licensing Privacy statement: CCTV in licensed taxis
3	Equality Impact Assessment: Taxi Licensing Policy – Addendum CCTV September 2020
<p>Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)</p> <ul style="list-style-type: none"> Statutory Taxi & Private Hire Vehicle Standards 2020 	

- LGA: Developing an approach to mandatory CCTV in taxis and PHVs
- Surveillance Camera Commissioner's Surveillance Camera Code of Practice
- Information Commissioner's CCTV Code of Practice



DRAFT
Taxi Licensing Policy:
Hackney Carriages & Private Hire
Vehicles (CCTV Supplement)

TBC

We speak your language

Polish

Mówimy Twoim językiem

French

Nous parlons votre langue

Spanish

Hablamos su idioma

Slovak

Rozprávame Vaším jazykom

Chinese

我们会说你的语言

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Bolsover District Council on

01246 242424 or

North East Derbyshire District

Council on **01246 231111**

CONTROL SHEET)

Policy Details	Comments / Confirmation (To be updated as the document progresses)
Policy title	Taxi Licensing Policy: Hackney Carriages & Private Hire Vehicles (CCTV supplement)
Current status – i.e. first draft, version 2 or final version	1 st Draft
Policy author (post title only)	Solicitor
Location of policy (whilst in development)	S drive
Relevant Cabinet Member (if applicable)	Cllr Dale
Equality Impact Assessment approval date	
Partnership involvement (if applicable)	
Final policy approval route i.e. Cabinet/ Council	Council
Date policy approved	
Date policy due for review (maximum three years)	
Date policy forwarded to Performance & Communications (to include on Extranet and Internet if applicable to the public)	

POLICY

1. Introduction

1.1. BACKGROUND

Bolsover District Council has a responsibility for licensing hackney carriages and private hire vehicles, drivers and operators within the district of Bolsover.

NB. Any reference in this Policy to notifying, informing or otherwise contacting the Council means contacting the Council's Licensing Section.

Unless otherwise stated, where the term "Taxi" is used in this Policy it is a generic term including hackney carriages and private hire vehicles (which retain their specific meanings set out in the Glossary of Terms below).

1.2. ROLE OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

Hackney carriage and private hire vehicles have a specific 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), or for those with mobility difficulties.

1.3. BEST PRACTICE GUIDANCE

The Department for Transport's Guidance 2010 considered views about what constitutes "Best or Good Practice" in terms of hackney carriage and private hire licensing. The Best Practice Guidance has, therefore, been used as an aid in shaping this policy. Regard has also been had to best practice learned from other local authorities. The Statutory Taxi & Private Hire Vehicle Standards 2020 replace certain sections of the Best Practice Guidance 2010, and where there is a conflict between the two the Statutory Standards have been given precedence.

1.4. CONSULTATION

There are a number of groups and organisations that have an interest in the provision of hackney carriage and private hire vehicle services, including the trade itself, residents and enforcers, all of whom have views and concerns that require consideration. In drawing up this policy, the Council has consulted with the following -

This list is not definitive -

- Authorities who border Bolsover District Council
- Derbyshire County Council
- Other departments within Bolsover District Council

- Members of Bolsover District Council
- The hackney carriage and private hire trade including all licensed operators within the district
- Parish Councils
- Derbyshire Constabulary
- Derbyshire Police & Crime Commissioner
- Chief Fire Officer for Derbyshire
- Derbyshire County Council Trading Standards
- Derbyshire County Council Transport
- Child Protection Services (Safeguarding)

1.5. POWERS AND DUTIES

This Policy has been produced pursuant to the powers conferred by the Town Police Clauses Act 1847, Local Government (Miscellaneous Provisions) Act 1976 and other legislation under which the Council is the licensing authority for hackney carriage and private hire vehicles.

1.6. STATUS

In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy document and the objectives set out above.

Notwithstanding the existence of this policy and any other relevant Council policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Council to depart from its policy, reasons will be given for so doing.

1.7. PRIVACY LEGISLATION, GUIDANCE & CODES OF PRACTICE

In addition to the legal framework governing taxi licensing, and the guidance set out above, this policy also takes into account the:

- Surveillance Commissioners, Surveillance Camera Code of Practice.
 - [Surveillance Camera Code](#)
- Information Commissioners CCTV Code of Practice
 - [ICO Code of Practice](#)
- Protection of Freedoms Act 2012. (2012 Act)
 - [Protection of Freedoms Act 2012](#)
- Documents issued by the Home Office in October 2016 (revised 2018):
 - [Technical Guidance for Body Worn Video Devices](#)
 - [Safeguarding Body Worn Video Data](#)
- Requirements for processing personal data as set out in the General Data Protection [Regulation](#) (GDPR) and Data Protection [Act](#) 2018
- Right to privacy as set out in Article 8 of the European Convention on Human Rights
 - [European Convention on Human Rights](#)

2. Scope

In setting out its policy Bolsover District Council seeks to promote the protection of public health and safety and the establishment of a professional and respected hackney carriage and private hire trade.

The aim of this policy is to regulate the provision of CCTV in hackney carriages and private hire vehicles in order to promote the above objectives.

This policy is supplemental to the Policies on Hackney Carriages & Private Hire Vehicles and Hackney Carriage & Private Hire Drivers and amends relevant sections of those policies as set out in this document.

For the avoidance of doubt the provisions set out in this policy are subject to the Council's policy on Use of Overt Surveillance Systems and the Environmental Health and Licensing privacy statement on CCTV in Taxis.

3. Principles

The aim of licensing the hackney carriage and private hire vehicle trades is, primarily, to protect the public as well as to ensure that the public have reasonable access to hackney carriage and private hire services because of the local transport provision.

It is important that the Council's powers are used to ensure that hackney carriages and private hire vehicles in the district are safe and comfortable.

4. Statement

Appendices A and B of the Council's Licensing Policy: Hackney Carriages & Private Hire Vehicles are amended as set out in Appendices A and B of this document.

The effect of inserting these provisions will be to ensure:

- No vehicle will be licensed as a hackney carriage or private hire vehicle unless they have installed a system compliant with the Council's requirement.
- No system will be permitted that doesn't meet the technical requirements of the policy.
- Vehicle proprietors will be subject to licence conditions in respect of data security. This will help us demonstrate we are taking precautions as data controller to protect the security of the data stored in the vehicles.

Appendix C of the Council's Licensing Policy: Hackney Carriages & Private Hire Drivers is amended as set out in Appendix C of this document.

The effect of inserting these provisions will be to ensure that in addition to vehicle proprietors the individuals driving those vehicles (where not the proprietor themselves) are subject to equivalent data security obligations. Again this will help us demonstrate we are taking precautions as data controller to protect the security of the data stored in the vehicles.

The provisions will also ensure that any impact on the rights and interests of blind and partially sighted people are properly mitigated.

5. Responsibility for Implementation

Joint Head of Environmental Health
Licensing Team Leader

6. Glossary of terms (if applicable)

N/A

7. Appendices (if applicable)

APPENDICES

APPENDIX A

Insert into Licensing Policy: Hackney Carriages & Private Hire Vehicles

4.1.8.

Security for drivers and passengers is a high priority. It is considered that CCTV cameras can be a valuable deterrent to criminal activity, enable the easier identification of suspects, provide valuable evidence when a crime is reported and protect a driver from unjustified complaints.

All vehicles licensed by this council must have a council approved CCTV system installed which must be in use whenever the vehicle is in use as a licensed vehicle for hire and reward purposes. For the purpose of this policy, CCTV relates to recording inside of the vehicle only. External facing cameras (“dash cams”) do not fall within this policy.

To ensure compliance with data protection legislation the Council is the Data Controller of the images captured. For those reasons, the Council has approved a set of specifications and will identify which available systems meet that criteria.

It is for the vehicle proprietor to decide which of the systems to install and the Council has no liability for the goods or services provided or any representations made by either of the parties in the negotiation, execution or performance of the contractual relationship.

The specifications are set out in Appendix C to this Policy.

APPENDIX B: VEHICLE LICENCE CONDITIONS
AND CCTV SPECIFICATION

Insert into Licensing Policy: Hackney Carriages & Private Hire Vehicles

Appendix A:

33. CCTV

- *At the time of fitting of any CCTV System it must be compliant with the specifications applicable at that time.*
- *Any such equipment shall be fitted in such a way as not to present any danger or hazard.*
- *The proprietor of the vehicle shall ensure that the system is properly maintained and serviced to ensure clear images are recorded. Any deliberate abuse or deliberate attempt to interfere with the legitimate use of the CCTV system will be considered a breach of licence, and shall be given due weight and regard when determining whether the driver/proprietor is a fit and proper person.*
- *Appropriate signage must be clearly and prominently displayed inside the vehicle advising passengers that a CCTV system is in operation in the vehicle.*
- *The installation of security measures such as a screen between driver and passengers, as a means of providing some protection for drivers is acceptable; however, where a screen has been fitted it must not prevent the CCTV system obtaining a clear and useable recording of the vehicle interior.*
- *It will be the proprietors responsibility to comply with all aspects of the law regarding such surveillance equipment.*
- *It shall be the vehicle proprietor's responsibility to ensure that the data, and the equipment on which it is recorded, remains secure at all times. Any breach of data protection law by the proprietor will be considered a serious breach of licence condition.*

Appendix C: CCTV Specifications

1.0 Operational Specifications

Reference	Specification	Explanation
1.1	100% solid state design or a proven vibration and shock resistant system	The system should not have any fan and the recording should be vibration and shock proof, i.e.: <ul style="list-style-type: none"> - Flash-based SSD (100% industrial grade), - Hard disk with both mechanical anti-vibration and anti- shock mechanism and self-recovery and self-check file writing system.
1.2	8 to 15 Volts DC	Operational between 8 and 15 volts DC
1.3	Reverse polarity protected	System to be protected against reverse voltage.
1.4	Short circuit prevention	System to be protected against short circuits
1.5	Over voltage protection	System to be protected against high voltage transients likely to be encountered in the vehicle electrical system.
1.6	Automotive Electromagnetic Compatibility Requirements	The in-vehicle taxi camera system must be compliant with the Council Directives: <ul style="list-style-type: none"> - 2004/108/EC on Electromagnetic Compatibility (CISPR 22/EN55022), - 2004/104/EC on Radio Interference (sections 6.5, 6.6, 6.8 and 6.9) <p>The taxi camera equipment should therefore be e-marked or CE-marked with confirmation by the equipment manufacturer as being non-immunity related and suitable for use in motor vehicles.</p>
1.7	System activation (on / off) switch to be located in a position where it is not accessible from inside the vehicle (i.e. in the boot / engine compartment).	The system is required to be active at all times that the vehicle is being used as a licensed vehicle. This will allow the facility for the system to be deactivated during times when the vehicle is being used for private purposes (e.g. domestic use). The switch that deactivates the system must be located within the vehicles boot or engine compartment (i.e. it must only be possible to deactivate the system from outside of the vehicle).
1.8	First-in/first-out buffer recording principle	
1.9	Built-in, automatic logging of all access actions, including date and personnel names	
1.10	Security, duration and auto- clearing of log files	
1.11	Image export formats and media	Images must be exported in commercially available formats.

Reference	Specification	Explanation
1.12	Image protection during power disruption	Images must be preserved in the event of loss of power. Battery back-up will not be permitted
1.13	Unit must operate without the ignition being turned on.	The Unit must have the ability to operate for at least 2 hours without power from the ignition.
1.14	Image and audio data shall be recorded and stored in a unit separate from the camera head.	
1.15	GPS capability	System must be compatible to allow for GPS capability.

1.16	The system must be capable of recording audio time synchronized to the recorded images.	
1.17	The system shall not record audio except when audio recording is activated by means of an approved trigger.	<p>The system should have the ability to start recording audio data by means of at least two trigger buttons (see also 1.26 below).</p> <p>One trigger button must be capable of being activated by the driver. Once the trigger is activated the system must begin to record audio data. The system will continue to record audio until the same trigger is activated again. The second activation of the trigger must result in the cessation of audio recording (e.g. a button could be pressed to begin audio recording, if the (i.e. the trigger, which could for example be a button, would be pressed to begin audio recording, pressing the button again would stop audio recording).</p> <p>The second trigger button must be capable of being activated by the passengers in the vehicle independently of the driver. Once the trigger is activated the system must begin to record audio data. The system will continue to record audio until the same trigger is activated again. The second activation of the trigger must result in the cessation of audio recording (i.e. the trigger, which could for example be a button, would be pressed to begin audio recording, pressing the button again would stop audio recording).</p> <p>Both audio activation triggers must be independent of each other – this means that audio recording can only be deactivated by means of the same trigger (driver or passenger) that was used to activate the audio recording.</p>

1.18	The audio playback, when triggered, shall be in 'real time' and synchronised with the images that are captured.	
1.19	Digital sampling of the audio signal must exceed 8KHz	
1.20	Digital resolution of the audio samples must exceed 10 bits.	
1.21	The audio microphone shall be integrated within the camera head.	
1.22	Audio data and image data must be stored together, not in separate files, and must be protected against unauthorised access or tampering.	
1.23	The system must support testing of the audio function for installation set-up and inspection purposes.	
1.24	The system must 'go to sleep' to reduce battery drain during prolonged idle time. It must be capable of immediate reactivation	
1.25	Images recorded by the system shall not be displayed within the vehicle.	
1.26	The system must have at least two emergency activation triggers (panic buttons).	One of the triggers / panic buttons must be capable of being operated by the driver – this must be independent of the audio recording activation switch. At least one other trigger / panic button must be capable of being operated by a passenger from any passenger seat in the vehicle. Once activated, this switch must trigger the recording of video and audio in accordance with section 6.1 below.
1.27	The system must include a visual indicator that will clearly show when audio recording is taking place. This indicator must be visible to all passengers within the vehicle.	This may take the form of an indicator LED built into the audio activation switch, or a remote LED that can clearly be seen by passengers.

2.0 Storage Capacity

Reference	Specification	Details
2.1	Minimum of fourteen days of recording capacity	The camera system must be capable of recording and storing a minimum of fourteen days of images of HD1 (720/288) size or better.
2.2	Images must be clear in all lighting conditions	System to provide clear images in bright sunshine, shade, dark and total darkness. Also, when strong back light is present.

3.0 Camera Head Technical Specification

Reference	Specification	Details
3.1	Camera installation non-obstructive	The camera and all system components shall be installed in a manner that does not interfere with the driver's vision or view of mirrors or otherwise normal operation of the vehicle.
3.2	Protected camera disconnect	The camera head shall be designed to disconnect for ease of removal and replacement by maintenance personnel.
3.3	Special tools for adjustment/removal	To prevent inappropriate interference only tools supplied to authorised fitters should be capable of carrying out adjustments or removal.
3.4	Field of view to capture all passengers in the vehicle	The lens of the camera must be of a type that captures the driver and all passengers of the vehicle on the recorded image. The lens must be of a style not to create a "fishbowl" effect.
3.5	Images must be clear	System to provide clear images in all lighting conditions and allow different skin tones to be detected
3.6	Compatible for use in vehicles with a partition (shield)	The camera system must be adaptable to provide clear images when a vehicle is equipped with a shield. This may be accomplished with the use of multiple camera heads.
3.7	Multiple cameras	The unit shall be capable of supporting up to four (4) cameras. Four cameras may be required to provide adequate coverage in larger vehicles and/or certain purpose built vehicles.

4.0 Storage Device Technical Specification

Reference	Specification	Details
4.1	Impact and shock resistance	The recorder shall be impact resistant, sufficient to withstand a typical car accident, or striking with a large, heavy object such as a suitcase.
4.2	Controller in concealed location	The storage unit shall be concealed from view and effectively inaccessible except by authorised personnel.
4.3	Download port provision	The recorder shall be equipped with a communication port for downloading by authorised personnel.
4.4	Download port shall be located in an easily accessible location such as a glove compartment.	The recorder download port shall be located in the glove box if practicable, if not then in a location that does not require the removal of panels and is accessible.
4.5	Download port cable length (1 foot minimum)	Download port shall be at least one foot in length for ease of download.
4.6	Recorder to be securely affixed to the vehicle	
4.7	Log to register each user access	
4.8	Log to register camera system parameter modifications	
4.9	Log to register each image download session	
4.10	Log to register modification/manipulation of downloaded images	
4.11	Log to register exporting of downloaded images	
4.12	Log to register exporting of downloaded clips	
4.13	Log file protected against unauthorised access	
4.14	Time/date stamp	All stored images must be time and date stamped.
4.15	Vehicle ID number stamp	All stored images must have two fields for vehicle identification (VIN & number plate).
4.16	Controller non-modifiable ID code stamp	Each recorded image shall be automatically stamped with a unique and non-modifiable code that identifies the controller that was used to record the image.
4.17	Controller (Storage Recorder)	Manufacturer to supply NEDDC with a supply of specialised tools to allow for removal of the controller and download of data when required.

5.0 Video and audio recording rate

Reference	Specification	Details
5.1	Video image recording on system activation (when audio is not activated).	The system shall record images at the rate of four images per second.
5.2	Video image recording when audio is activated.	The system shall record images at the rate of twenty five images per second during periods when audio recording is activated (either due to time requirement, or through activation by the driver trigger switch or passenger panic button).
5.3	When activated, audio recording must be in real time and synchronised with the video recording.	
5.4	System to continue to record images (and audio when applicable) when engine is off.	System must continue to record images (and audio when applicable) for 30 minutes after engine / ignition is switched off.

6.0 Specification for activation via driver or passenger trigger / panic buttons

Reference	Specification	Detail
6.1	<i>The activation of a trigger button must provide for overwrite- protected image storage when activated by driver or passenger.</i>	<i>The system must be fitted with at least two trigger buttons that once activated will trigger the protected recording of audio and video (see also 1.17 and 1.26 above).</i>
6.2	<i>Emergency image overwrite protection capability</i>	<i>Image sequences resulting from emergency activation shall be recorded in an area of memory which is protected from being overwritten</i>
6.3	<i>Overwrite protection capacity for at least 3 activations</i>	
6.4	<i>Overwrite protection self-clear on 96 hr timer</i>	

7.0 Downloading

Reference	Specification	Details
7.1	Time to download complete memory not to exceed 30 minutes	Time to download to be accomplished in 30 minutes or less.
7.2	Provision of necessary software, cables, security keys to NEDDC Licensing Team.	
7.3	Windows 10 compatible.	
7.4	Downloaded images stored in non-volatile	

Reference	Specification	Details
	media	
7.5	Downloaded images stored in secure format	
7.6	Verifiable image authenticity	Each image shall be stamped with controller ID and vehicle ID and be tamperproof.
7.7	Provision of technical support to NEDDC Licensing team when necessary.	To assist in accessing system in case of damage to the vehicle or to the system in case of accident within 1 hour during normal working hours and within 8 hours otherwise.
7.8	Wireless Download Prohibited	Unit must not allow for wireless downloads. Wireless diagnostic may be used. All wireless hardware to be disabled.
7.9	Filter the specific images for events and times for the approximate time of the crime or complaint alleged.	

8.0 Requirements in relation to System Information

Reference	Requirement	Details
8.1	Provision of service log sheet with each unit shipped	The unit manufacturer shall have a service log shipped with the unit. The manufacturer shall also enclose detailed instructions for the drivers with each unit shipped. An installation manual shall also be furnished to authorised installers and fleet operators.
8.2	Serial number indication on service log	The unit will be marked with a serial number
8.3	Installation date indication on service log	The provision for the installer to indicate the installation date
8.4	Provision of driver instruction card with each unit shipped	
8.5	Provision of installation manual to installers and fleet operators	
8.6	Clarity of operating instructions	The system shall be provided with clear and concise operation instructions which are written with due consideration to varying levels of literacy.
8.7	Installation by authorised agents	The unit shall be installed by manufacturer's authorised agents, or other installers approved by the council (subject to agreement with the manufacturer).
8.8	Provision of authorised agents list to NEDDC Licensing Team	The manufacturer shall provide a list of all authorised agents to NEDDC Licensing Team.
8.9	Documentation	The manufacturer must provide clear and concise operating instructions which are written in layman's terms. (Details on how the system records the images)

Reference	Requirement	Details
8.10	Image Protection	All captured images must be protected using encryption software that meets or exceeds the current FIPS 140-2 (level 2) standard or equivalent.

9.0 System requirements in relation to Vehicle Inspection Facility – Inspections

Reference	Requirement	Details
9.1	Provision of system status/health indicator	The driver shall have an indicator showing when the system is operational and when there is a malfunction.
9.2	Mounting location of system status/health indicator to be seen by driver only	The indicators shall be mounted/installed for the driver's vision only. The indication system must be in accordance with section 9.3 and 9.4 below.
9.3	Additional indicator requirement	Where a system is fitted with an indicator to show that the system is on, this indicator shall be separate to those listed above or of a different colour to avoid any possible confusion on the part of the drivers using the system.
9.4	Designed / installed to be testable by NEDDC Licensing Team (or persons acting on behalf of the council – such as vehicle inspectors)	The system shall be designed and installed such that the system may be easily tested by NEDDC Licensing Team staff to ensure that all features are operating and that images are being recorded as prescribed.

10.0 General System Requirements

Reference	Requirement	Details
10.1	Vandal and tamper resistance	
10.2	Provision of statement of compliance	In addition to a formal test of all aspects of this requirement specification, a statement of compliance shall be provided and signed by an officer of the company.
10.3	Reliability in operational and environmental conditions	The system shall provide reliable and full functionality in all operational and environmental conditions encountered in the operation of taxis.
10.4	Programmability of image timing parameters	It shall be possible to change timing and parameters without the requirement to change components.
10.5	Training and Technical Support and Equipment	Manufacturer must provide NEDDC Licensing Team with a Training and Technical Manual. Supply a working unit to NEDDC Licensing for testing purposes.
10.6	Software and Hardware	Manufacturer to supply NEDDC Licensing Team with a supply of cables and software to be installed under the supervision of the council's authorised staff.
10.7	Agreement between the Camera Manufacturer and NEDDC	Agreement to allow NEDDC access to the relevant software from the manufacturer so that in the event the manufacturer goes out of business, council will be able to support the system.

APPENDIX C: Driver Obligations

Insert into Licensing Policy: Hackney Carriage & Private Hire Drivers

Appendix C – Licence Conditions

(Amend) 11. Vehicle Checks

Add “CCTV” to the list of vehicle systems that must be in legal working order.

(Insert) 12. CCTV System

At all times when the vehicle is under the control of a licensed driver it shall be the driver’s responsibility to ensure that the data, and the equipment on which it is recorded, remains secure at all times. Any breach of data protection law by the driver will be considered a serious breach of licence condition.

(Insert) 13. CCTV & Blind or Partially Sighted Passengers

Drivers must advise any blind or partially sighted passengers that there is CCTV recording in operation before commencing the journey. They must also advise such passengers of the location of controls for audio recording.



Environmental Health and Licensing

Privacy statement: CCTV in licensed taxis

The Council requires that all licensed private hire vehicles and hackney carriages carry an internal CCTV system. This privacy statement explains some important information about how we use the personal information recorded by those systems.

The Council also has a general privacy statement and the Environmental Health & Licensing Service have an overall privacy statement.

Using your personal information

What information do we collect?

The CCTV systems collect video recording of the interior of licensed vehicles at all times when they are being used for carrying passengers. Audio recording can also be switched on by drivers or passengers.

We collect this information in order to:

- (a) Provide a valuable deterrent to criminal activity
- (b) Enable the easier identification of suspects where offences take place in licensed vehicles
- (c) Provide valuable evidence when a crime is reported; and
- (d) Protect drivers from unjustified complaints

The requirement for licensed vehicles to carry CCTV systems is pursuant to the Council's powers and duties to uphold public safety in carrying out its licensing functions.

How will we use the information?

CCTV footage will be downloaded from the system hard drive in response to complaints, requests from relevant bodies or requests under statutory rights.

This privacy statement explains how we will handle footage of individuals.

Legal basis for processing

The law requires us to have a lawful basis for processing personal data.

As a public authority most of the personal data processing that we do will be necessary to perform a task carried out in the public interest, to exercise our statutory duties. This is known as **public task** under the General Data Protection Regulation (GDPR). In this case the primary example is promoting public safety through the Council's licensing policies.

The legal basis for our public task processing is contained within the legislation attached at **Appendix A**.

Legal obligation

This basis covers personal data processing required to comply with a common law or statutory obligation e.g. a court order may require us to disclose some personal data.

The footage recorded may also be disclosed pursuant to requests from 3rd party organisations such as the Police, where that information is required to be disclosed pursuant to a legal obligation.

Who receives my personal information?

Your personal information will be processed by Environmental Health and Licensing for the purposes set out above.

Your personal information may also be shared with organisations such as:

- Police
- Health and Safety Executive
- Derbyshire County Council
- Care Quality Commission
- Environment Agency
- Public Health England
- Other government bodies and agencies
- Other Local Authorities

Your personal information may also be shared with other third party organisations which have a legal right to access the footage.

We use data processors who are third parties who provide elements of services for us, for example Information technology (IT) providers. We have contracts in place with our data processors. (See how we protect your data).

The law only allows us to use your personal information for the purpose it was given. If we would like to use your personal information for another purpose then we would need to notify you of this and seek your consent. The only exception to this is disclosures required by law where an exemption exists under data protection regulation.

Transferring your personal data

Personal data which the Council downloads from recording systems is held on UK servers. When using an external provider for processing e.g. storing customer records, it is our

policy to use companies which have UK or EU based servers to receive the safeguards contained within UK data protection law and reciprocated across the European Union.

How do we protect data?

The Council takes the security of your data seriously. The Council has internal policies and controls in place to safeguard personal data. This includes access restrictions to systems containing personal information, employee training and awareness, ICT security controls and protocols, confidential waste collection and destruction, and documentation including personal data audits and guidance.

Where we engage third parties to process personal data on our behalf, they do so on the basis of written instructions, are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data.

In respect of the recording systems located in vehicles, systems will be:

- Fully encrypted
- Accessible only by authorised officers
- Subject to licence conditions requiring secure handling by drivers and vehicle proprietors.

How long do we keep your personal information?

Footage stored on recording systems will be overwritten after a period of 14 days. Where downloaded retention periods are determined by business or legal needs. It is our policy not to hold records any longer than necessary whilst complying with any legal requirements and providing sound business records.

The Council has a retention schedule which contains its main record types and the length of time the record type will be kept. If you would like further information on this then please email FOI@ne-derbyshire.gov.uk.

Access to your information and other individual rights

You have the right to request a copy of the information that we hold about you. If you would like a copy of some or all of your personal information please email FOI@ne-derbyshire.gov.uk or write to us at the following address.

Bolsover District Council
District Council Offices
2013 Mill Lane
Wingerworth
Chesterfield
Derbyshire
S42 6NG

There is also information on our website – search '[data protection](#)'.

You also have other rights under data protection regulation which include rights to rectification, erasure, to restrict processing, data portability, to object, and to prevent automated decision making. Some of these rights are affected by the legal basis for processing which the Council is using, for example the rights to erasure and portability do not apply when processing your personal data for official public functions. More information of your rights is available on our website.

To exercise your rights please use the contacts details noted in the first instance.

How to contact us

Please contact us if you have any question about this privacy statement or information we hold on you:

- By email – FOI@ne-derbyshire.gov.uk
- Or write to us at: Bolsover District Council, The Arc, Clowne, Chesterfield S43 4JY

The Council's Data Protection Officer is Kath Drury, email kath.drury@bolsover.gov.uk or telephone 01246 242280.

You also have a right to make a complaint to the Information Commissioner's Office about concerns you may have about your personal data.

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Telephone: 0303 123 1113
www.ico.org.uk

You may wish to raise any complaint or concern with us first by contacting the Council's Data Protection Officer or using the Council's complaint system.

Appendix A – List of all relevant Acts/regulations – CCTV in Taxis

Local Government (Miscellaneous Provisions) Act 1976	Town Police Clauses Act 1847	Equality Act 2010
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EQUALITY IMPACT ASSESSMENT TAXI LICENSING POLICY

ADDENDUM – CCTV September 2020

Modification of existing policies is being considered to introduce a mandatory requirement for CCTV in licensed vehicles.

The following impacts have been noted as a potential consequence of the above proposals.

Visual Impairment

Visually impaired passengers may be detrimentally affected in two ways. Firstly they could be unaware that they are subject to video/audio recording. Secondly they may be unable to locate and use the controls to activate audio recording.

Awareness

To address this impact it is proposed that licence conditions for drivers should include a requirement that visually impaired passengers be verbally advised about the presence of CCTV before commencing a journey. This could possibly be drawn to licence-holders' attention in the training for licensed drivers.

Accessibility of Audio Control

This is something the current systems on the market do not appear to address. Given the anticipated benefits of the system it is an impact that can be tolerated when balanced against the public interest in safety. However, the authority will keep this under review and if systems are developed in future which address this issue their adoption will be considered at that time.