

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

| Section 1 - Driver Policy | | | |
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| 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> |

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| | <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> |

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| | | <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> |

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| | <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> |

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| <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> |

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| | <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. |

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| | <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 |

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| | 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. |

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| | <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 |

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| | | | 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. |

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| | <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 |

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| | <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> |

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| | <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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| <p>2.7</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 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> |
| <p>2.8</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 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> |

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| | <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> | <p>for a new licence will be determined in accordance with the guidance above.</p> | |
| 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> | <p>Updated to remove ambiguity between new applicants and existing drivers.</p> |
| APPENDIX C – PRIVATE HIRE DRIVER’S LICENCE CONDITIONS | | | |
| 1.2 | <p>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.</p> | <p>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.</p> | <p>Updated to broaden the condition to include other road users and the public.</p> |
| 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> | <p>Updated to broaden the condition to include undiagnosed conditions and to include safety of others and to</p> |

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| 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 |
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| 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>NEW ADDITION</p> | <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> |

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| | <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> | |
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| 4.1.2 | <p>Criminal Record Checks & Safeguarding</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.</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 | <p>NEW ADDITION</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> | <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> |

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| | | <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.</p> | |
| <p>Appendix A – Operator Licence Conditions</p> | | | |
| <p>1</p> | <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> |

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| | <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> |

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| 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> | Strengthens obligations |
| 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 | Addition of requirement to ensure other members of staff have received safeguarding training and that they are aware of safeguarding procedures. |

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| | <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 |

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| | | 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 |
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| 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> |

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| | <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> | The new statutory guidance recommends that the requirement for a DBS/CoGC should apply to vehicle proprietors |

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| | | <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 |

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| | <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> |

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| | <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> |

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| | <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> |

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| | <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> |