



5 October 2020

LICENSING AND SAFETY COMMITTEE – 13 OCTOBER 2020

A meeting of the Licensing and Safety Committee will be held at 5.30pm on Tuesday 13 October 2020 via Microsoft Teams.

Members of the public may view the meeting via the livestream from the Council's website.

Mannie Ketley
Executive Director

A G E N D A

PART 1 – PUBLIC BUSINESS

1. Minutes.

To confirm the minutes of the:

Licensing and Safety Committee held on 10 September 2019; and
Licensing Sub Committees (General) held on 4 September 2019, 4 November 2019, 25 November 2019 and 29 January 2020.

2. Apologies.

To receive apologies for absence from the meeting.

3. Declarations of Interest.

To receive declarations of –

(a) non-pecuniary interests as defined by the Council's Code of Conduct for Councillors;

(b) pecuniary interests as defined by the Council's Code of Conduct for Councillors; and

(c) notice under Section 106 Local Government Finance Act 1992 – non-payment of Community Charge or Council Tax.

Note: Members are reminded that they should declare the existence and nature of their non-pecuniary interests at the commencement of the meeting (or as soon as the interest becomes apparent). If that interest is a prejudicial interest the Member must withdraw from the room unless one of the exceptions applies.

Membership of Warwickshire County Council or any Parish Council is classed as a non-pecuniary interest under the Code of Conduct. A Member does not need to declare this interest unless the Member chooses to speak on a matter relating to their membership. If the Member does not wish to speak on the matter, the Member may still vote on the matter without making a declaration.

4. Draft Hackney Carriage and Private Hire Licensing Policy.
5. Actions taken in response to the COVID-19 emergency – to receive a verbal report from the Regulatory Services Manager, Principal Environmental Health Officer and Principal Licensing Officer.
6. Motion to Exclude the Public under Section 100(A)(4) of the Local Government Act 1972.

To consider the following resolution:

“under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following items on the grounds that they involve the likely disclosure of information defined in paragraphs 1, 2 and 3 of Schedule 12A of the Act.”

PART 2 – EXEMPT INFORMATION

1. Dual Driver’s Licence Revocation – to receive a verbal update from the Principal Licensing Officer.

The Reports of Officers are attached.

Membership of the Committee: Councillors Cade (Chairman), Mrs A’Barrow, Brader, Douglas, Miss Dumbleton, Ellis, Mrs Garcia, Leigh Hunt, Keeling, Pacey-Day, Mrs Roberts and Mrs Roodhouse

If you have any general queries with regard to this agenda please contact Linn Ashmore, Democratic Services Officer (01788 533522 or e-mail Linn.Ashmore@rugby.gov.uk). Any specific queries concerning reports should be directed to the listed contact officer.

AGENDA MANAGEMENT SHEET

Report Title:	Hackney Carriage & Private Hire Licensing Policy
Name of Committee:	Licensing and Safety Committee
Date of Meeting:	13 October 2020
Portfolio:	Environment and Public Realm
Ward Relevance:	All
Prior Consultation:	An 8 week public consultation was undertaken starting from the 10 th September 2019 until the 7 th November 2019. Consulted were the public and taxi private hire trade, the Local MP, Trading Standards and Rugby Disability Forum. In total 16 consultation responses were received.
Contact Officer:	Zulfeqar Rahman Principal Licensing Officer 01788 533533 Zulfeqar.Rahman@rugby.gov.uk
Statutory/Policy Background:	<p>The Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847 provide the main regulatory framework within which Rugby Borough Council carries out its licensing functions in respect of hackney carriages and private hire vehicles. For the purposes of these acts, Rugby Borough Council is the relevant licensing authority.</p> <p>Rugby Borough Council's current Licensing Policy for Hackney Carriages and Private Hire Vehicles was adopted in April 2009 and has been subject to some updates and addendums since adoption.</p> <p>The current policy now requires replacement to ensure Rugby Borough Council has in place a which policy reflects best practice among licencing authorities, changes in the regulatory landscape and the future priorities and aspirations of Rugby Borough Council (for example, reducing impacts on air quality and the environment).</p> <p>Whilst there is no statutory requirement for Rugby Borough Council to have a policy relating to the licensing of hackney carriages and private hire vehicles, it is considered good practice to do so.</p>

Once a policy is in place there is no statutory requirement to undertake a review of that policy, but as a matter of good practice policies should be kept under review and updated or replaced where appropriate.

Summary:

The new policy sets out how Rugby Borough Council will discharge its functions as licensing authority and provides guidance to Members, prospective applicants, licence holders and the wider public as to the regulation of the hackney carriage and private hire vehicle trade.

In particular, it sets out:

1. The licence application process and requirements;
2. How licence applications are determined, including the application of the fit and proper person test;
3. On-going requirements of licence holders;
4. Rugby Borough Council's complaints and enforcement regime, including a new penalty points scheme;
5. Rugby Borough Council's partnership working with other agencies;
6. Vehicle specifications;
7. Fares and fees; and
8. Supporting documents.

Financial Implications:

The licensing of hackney carriages and private hire vehicles is funded through fees and charges which will be set annually by Full Council.

Rugby Borough Council, as the licensing authority, can only recover the cost of providing the licensing services and cannot return a profit. Any surpluses generated will be invested back into the licensing service.

Implementation of the new policy should be financially self-sufficient and should not require the allocation of any additional subsidy or funding in Rugby Borough Council's budget.

Environmental Implications:

In 2004 Rugby Borough Council declared the whole of the urban area as an Air Quality Management Area.

One of Rugby Borough Council's objectives under the Air Quality Action Plan is to improve air quality within the Air Quality Management Area.

The main pollutants of concern in the urban area are associated with road traffic. Hackney carriages and private hire vehicles operate within the Air Quality Management Area and increase traffic volumes in and around the town centre.

This policy introduces new requirements relating to ultra-low emission vehicles which will have a positive impact on air quality and will contribute to Rugby Borough Council meeting its air quality targets.

Legal Implications:

Without a robust policy, officers and Members will find it extremely difficult to make appropriate and consistent licensing decisions and to take proportionate enforcement action. As a consequence, the Council will face significant difficulty in justifying the way it has reached licensing decisions and taken enforcement action.

This will result in Rugby Borough Council failing to adequately deliver its licensing function or control compliance of the hackney carriage and private hire vehicle trades with the regulatory regime.

This will lead to an increased risk of:

1. successful appeals by applicants who have had their licences suspended or revoked;
2. service complaints to the Local Government Ombudsman;
3. judicial review;
4. legal challenge to any criminal proceedings instigated by the Council; and
5. reputational and professional damage to the Council.

Equality and Diversity:

There are no equality and diversity implications arising from this report.

Options:

1. That the new Hackney Carriage & Private Hire Licensing Policy be recommended to Council for adoption.

Risk: None.

Benefit: Compliance with statutory duties as a licensing authority and robust enforcement regime in place to protect the public.

2. No further action

Risk: Non-compliance with statutory duties as a licensing authority and continued reliance on an out of date policy which may present enforcement challenges.

Benefit: None.

Recommendation:

1. The Head of Environment and Public Realm be given delegated authority to make non-material changes to the Hackney Carriage & Private Hire Licensing Policy to correct typos, cross-references and internal inconsistencies.
2. It be recommended to Council that the Hackney Carriage & Private Hire Licensing Policy be considered and adopted.

Licensing and Safety Committee – 13 October 2020

Hackney Carriage & Private Hire Licensing Policy

Public Report of the Head of Environmental and Public Realm

Recommendation

1. The Head of Environment and Public Realm be given delegated authority to make non-material changes to the Hackney Carriage & Private Hire Licensing Policy to correct typos, cross-references and internal inconsistencies.
2. It be recommended to Council that the Hackney Carriage & Private Hire Licensing Policy be considered and adopted.

1. PURPOSE OF THE REPORT

- 1.1 The Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847 provide the main regulatory framework within which Rugby Borough Council carries out its licensing functions in respect of hackney carriages and private hire vehicles. Under these acts, Rugby Borough Council has a duty to provide for the licensing of hackney carriages, private hire vehicles, drivers of both and operators of private hire vehicles. For the purposes of these acts, Rugby Borough Council is the relevant licensing authority.
- 1.2 Whilst it is recognised that this duty requires an efficient and effective administrative process, the fundamental purpose of the licensing regime is to protect the safety of the public. This means that Rugby Borough Council must ensure that only fit and proper persons are licensed to be drivers, operators and holders of vehicle licences and that vehicles remain safe and fit for the purpose of transporting fare-paying passengers.
- 1.3 This report considers whether a new Hackney Carriage & Private Hire Licensing Policy should be recommended to Council for consideration and adoption. The new policy is written to assist Rugby Borough Council in discharging its licensing functions and in protecting the safety of the public.

2. BACKGROUND INFORMATION

- 2.1 Unlike the Licensing Act 2003 and the Gambling Act 2005, the legislation that specifically controls the licensing of hackney carriages and private hire vehicles, drivers and operators, does not contain provisions that directly require Rugby Borough Council to prepare and publish a hackney carriage and private hire licensing policy in a particular manner.

- 2.2 Nevertheless, the Regulators' Code 2014, which has statutory effect by virtue of the Legislative and Regulatory Reform Act 2006, means Rugby Borough Council must have regard to the requirements of the Code. A robust hackney carriage and private hire licensing policy to guide licensing activities will ensure that Rugby Borough Council satisfies its legal responsibilities with respect to specific elements of the Regulators' Code and will assist in demonstrating that Rugby Borough Council has had due regard to the Code in relation to this particular area of law.
- 2.3 Rugby Borough Council's current Licensing Policy for Hackney Carriages and Private Hire Vehicles was adopted in April 2009 and has been subject to some updates and addendums since adoption.
- 2.4 The Deregulation Act 2015 has led to a significant increase in cross-border hiring, which is creating an increasing risk to the hackney carriage and private hire licensing function undertaken by Rugby Borough Council. In effect, if a driver applies to Rugby Borough Council for a licence and this application is refused, it is still possible that a neighbouring authority may licence the driver based upon the same information but assessed against different policy criteria. Once a driver is granted a licence by another authority, they are then able to operate across Rugby and other areas despite initially being refused the licence by this Council.
- 2.5 This situation poses a potential risk to public safety, as well as the reputation of local government as a whole. The existing legislative framework makes it extremely difficult to have any meaningful influence over this risk; consequently, it is important to recognise the significant responsibility that Rugby Borough Council has to use all appropriate mechanisms and opportunities, including those that ensure close working arrangements are in place with other local authorities, to support and protect Rugby Borough Council's community and communities outside of its immediate responsibility.
- 2.6 As such, it is vital that Rugby Borough Council has a robust policy in place to provide the basis on which it delivers its statutory licensing function.
- 2.7 On 21 July 2020, the Department of Transport issued the Statutory Taxi & Private Hire Vehicle Standards for the first time which replace the relevant sections of the Best Practice Guidance issued by the Department in 2010. Where there is a conflict between the Statutory Taxi and Private Hire Vehicle Standards and the Best Practice Guidance the Department issue on taxi and private hire vehicle licensing, the standards take precedence.
- 2.8 The Statutory Taxi & Private Hire Vehicle Standards is the result of extensive consultation with the police, the Institute of Licensing the trade and sets out the approach that Licensing Authorities must adopt when carrying out their functions. It is reassuring to note that Rugby Borough Council has already previously implemented a number of the recommendations in the standards and these will continue to be incorporated in any new policy.

- 2.9 Given all the changes over the last 10 years, the current policy now requires replacement to ensure Rugby Borough Council has in place a policy which reflects best practice among licencing authorities, addresses changes in the regulatory landscape (such as deregulation) and also contributes to the future priorities and aspirations of Rugby Borough Council (for example, reducing impacts on air quality and the environment).

3. PROGRESS

- 3.1 The draft policy was brought before the Licensing and Safety Committee in September 2019 and the draft policy was approved to go out for consultation (see section 4 below).
- 3.2 Following the consultation, the policy has been amended and the revised policy is now attached to this report at Appendix A and covers the following key areas:
- 3.2.1 The licence application process and requirements;
 - 3.2.2 How licence applications are determined, including the application of the fit and proper person test;
 - 3.2.3 On-going requirements of licence holders;
 - 3.2.4 Rugby Borough Council's complaints and enforcement regime, including a new penalty points scheme;
 - 3.2.5 Rugby Borough Council's partnership working with other agencies;
 - 3.2.6 Vehicle specifications;
 - 3.2.7 Fares and fees; and
 - 3.2.8 Supporting documents.

4. CONSULTATION

- 4.1 Whilst there is no legal duty specifically placed on Rugby Borough Council to consult with respect to this type of policy, it is good practice to do so and is in line with the Department for Transport's "*Taxi and Private Hire Vehicle Licensing: Best Practice Guidance*" (March 2010).
- 4.2 Consultation with the public, trade and other stakeholders has been overseen by the Council's Licensing Team. The consultation lasted for eight weeks and was available online or in hard copy at Rugby Borough Council's Town Hall.
- 4.3 All relevant licence holders were notified in writing of the consultation and invited to submit their responses.

- 4.4 In addition, the local MP, Trading Standards and Rugby Disability Forum were notified in writing of the consultation.
- 4.5 The Licensing Team has considered all feedback received and details of the feedback and Rugby Borough Council's response can be found at Appendix B – Matrix of Consultation Responses.
- 4.6 Further to the consultation, amendments have been made to the policy. These amendments did not give rise to fundamental changes to the policy but did provide clarification where appropriate.

5. CONCLUSION

- 5.1 Whilst there is no statutory requirement for Rugby Borough Council to have a policy relating to the licensing of hackney carriages and private hire vehicles, it is considered good practice to do so.
- 5.2 The policy, once adopted, will set out how Rugby Borough Council will discharge its licensing functions, including how applications for new licences and renewals will be considered and how the licensing regime will be enforced.
- 5.3 The policy is a key document in providing guidance to Members, prospective applicants, licence holders and the wider public. Adopting an up to date policy will enable Rugby Borough Council to make robust and consistent decisions when discharging its licensing function.

6. RECOMMENDATION

- 6.1 The Head of Environment and Public Realm be given delegated authority to make non-material changes to the Hackney Carriage & Private Hire Licensing Policy to correct typos, cross-references and internal inconsistencies.
- 6.2 It be recommended to Council that the Hackney Carriage & Private Hire Licensing Policy be considered and adopted.

7. REASONS FOR THE RECOMMENDATION:

- 7.1 The Hackney Carriage & Private Hire Licensing Policy is consistent with national guidance on hackney carriage and private hire licensing and follows best practice.
- 7.2 By adopting the Hackney Carriage & Private Hire Licensing Policy, Rugby Borough Council can demonstrate that it takes its hackney carriage and private hire vehicle licensing role seriously.
- 7.3 The policy creates transparency for all stakeholders providing the manner in which Rugby Borough Council intends to undertake its hackney carriage and private hire vehicle licensing responsibilities.

- 7.4 Furthermore, it provides Rugby Borough Council with a basis for a robust defence to any challenges that may be encountered in respect of decisions made and enforcement action taken.
- 7.5 Finally, it also demonstrates commitment to, and compliance with, the Regulators' Code.

Name of Meeting: Licensing and Safety Committee
Date of Meeting: 13 October 2020
Subject Matter: Hackney Carriage & Private Hire Licensing Policy
Originating Department: Environment and Public Realm

LIST OF APPENDICES

Reference	Title
Appendix A	Hackney Carriage & Private Hire Licensing Policy
Appendix B	Matrix of Consultation Responses

DO ANY BACKGROUND PAPERS APPLY YES NO

LIST OF BACKGROUND PAPERS

Doc No	Title of Document and Hyperlink

Exempt information is contained in the following documents:

Doc No	Relevant Paragraph of Schedule 12A



Hackney Carriage & Private Hire
[Draft] Licensing Policy
[Month] 2020

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1: FOREWORD

1. This Hackney Carriage & Private Hire Policy (the “Policy”) seeks to set a standard that is amongst the highest in the country. Rugby Borough Council (the “Council”) is committed to both protecting the public and retaining confidence in the licensed trade.
2. The Policy is designed to promote improved professional behaviour amongst licence holders, to increase their awareness of safeguarding issues and to allow those that share the Council’s commitment to a high standard of service to thrive. The Policy will make it more difficult for disreputable individuals to operate within the licensed trade.
3. Both the Jay Report into child sexual exploitation (“CSE”) in Rotherham and the subsequent corporate governance inspection led by Dame Louise Casey DBE CB identified issues, amongst which was the importance of having effective regulatory and enforcement functions in preventing and disrupting CSE. The hackney carriage & private hire licensing function has a key role in this. At the heart of this Policy lies a commitment to the protection of the public, safeguarding children, vulnerable adults and the prevention of crime and disorder.
4. The Council aims to ensure that licensed drivers, operators and vehicles operating in Rugby Borough (the “Borough”) are of the highest quality and can be held to account.
5. The Council recognises the important role that hackney carriages and private hire vehicles play in enabling people to travel around the Borough, including when public transport may not be available and for those with mobility problems. In doing so, they also have a role in portraying the image of the Borough. The drivers themselves have a key role as ambassadors for the Borough and customers rightly expect that in using licensed vehicles they will be transported in comfort and safety. This will help to ensure that the industry and the local economy thrive.

2: AIMS

1. The Council is responsible for the regulation of the hackney carriage and private hire trade within the Borough. This Policy and its Supporting Documents (see Appendix G) will guide the work of the Council in the way in which it carries out those functions.
2. This Policy has been developed by the Council after consulting with both the general public and the hackney carriage and private hire trade. The Council has also consulted with Warwickshire Police and the Access Group.
3. The aims of this Policy are:
 - 3.1. to protect the public and to safeguard children and vulnerable persons. This will be achieved by:
 - 3.1.1. ensuring that hackney carriage and private hire vehicles are mechanically safe, clean, reliable and insured;
 - 3.1.2. ensuring that drivers, proprietors and private hire operators are fit and proper persons; and
 - 3.1.3. ensuring a system of local control and accountability;
 - 3.2. to encourage a “mixed” fleet of vehicles to meet the varying needs of those who use hackney carriage and private hire vehicles;
 - 3.3. to provide clarity to all relevant parties regarding the Council’s expectations of licence holders;
 - 3.4. to provide clarity to all relevant parties regarding the Council’s decision-making process;
 - 3.5. to encourage high standards of service and competence in the trade; and
 - 3.6. to encouraging Environmental Sustainability.

3: REGULATORY FRAMEWORK, BACKGROUND & GUIDANCE

1. The Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847 provide the main regulatory framework within which the Council carries out its licensing functions in respect of hackney carriages and private hire vehicles. For the purposes of these acts, the Council is the relevant licensing authority.
2. Throughout this Policy, references to legislation includes any amendments to that legislation as may be made from time to time and any subordinate legislation made pursuant to that legislation.
3. Other relevant legislation includes:
 - 3.1. Road Traffic Acts (various);
 - 3.2. Town Police Clauses Act 1889;
 - 3.3. Transport Act 1985;
 - 3.4. Environmental Protection Act 1990;
 - 3.5. Crime and Disorder Act 1998;
 - 3.6. Human Rights Act 1998;
 - 3.7. Transport Act 2000;
 - 3.8. Health Act 2006;
 - 3.9. Equality Act 2010;
 - 3.10. Deregulation Act 2015;
 - 3.11. Immigration Act 2016; and
 - 3.12. The Policing and Crime Act 2017.
4. The Council will also have regard to other relevant strategies, policies and guidance in its decision making. These include, but are not limited to, the following:
 - 4.1. *Statutory Taxi & Private Hire Vehicle Standards*, Department for Transport (July 2020);
 - 4.2. *Taxi and private hire vehicle licensing: best practice*, Department for Transport (March 2010);

- 4.3. *Guidance on the Rehabilitation of Offenders Act 1974*, Ministry of Justice (March 2014);
 - 4.4. *Regulators' Code*, Department for Business Innovation & Skills (April 2014);
 - 4.5. *Regulation of taxis and private hire vehicles: understanding the impact on competition*, Competition and Markets Authority (July 2017)
 - 4.6. *The Code for Crown Prosecutors*, CPS (October 2018); and
 - 4.7. Rugby Borough Council's relevant enforcement policy.
5. In the event that any provision of this Policy is, or becomes, incompatible with any statutory provision such provision of the Policy shall be disregarded when determining any matter to which it relates.
 6. Other considerations which may be taken into account include, but are not limited to, those matters affecting visitors, employers and residents, such as:
 - 6.1. the availability of hackney carriage and private hire transport at all times;
 - 6.2. public nuisance;
 - 6.3. pollution;
 - 6.4. crime; and
 - 6.5. the capacity of the trade to cope with customer demand, particularly at night.

4: IMPLEMENTATION

1. This Policy will be applied by the Council, alongside the regulatory framework (outlined above), when decisions are taken in connection with the licensing functions relating to hackney carriages and private hire vehicles.
2. This Policy comes into effect on the date of its adoption by the Council and supersedes all previous policies relating to the licensing functions relating to hackney carriages and private hire vehicles in the Borough.
3. This Policy will apply to all:
 - 3.1. hackney carriages;
 - 3.2. private hire vehicles;
 - 3.3. private hire operators;
 - 3.4. hackney carriage drivers; and
 - 3.5. private hire vehicle drivers.
4. The Policy does not have retrospective effect.
5. In this Policy, the Council uses the following terms to mean:
 - 5.1. a “hackney carriage” is a vehicle available to transport the public with no more than eight passenger seats, which is licensed to ply for hire. This means that it may stand at ranks, be hailed in the street by members of the public or undertake pre-booked work;
 - 5.2. a “private hire vehicle” is a vehicle licensed to carry no more than eight passengers but must be booked in advance by customers through a private hire operator and cannot ply for hire in the street; and
 - 5.3. the “trade” to be all those working within the hackney carriage and private hire vehicle sector.
6. For further guidance on the term “ply for hire” please refer to the on-going requirements for drivers licences in section 7 below.
7. The Council will review this Policy on a rolling basis and make revisions where required. The Council may consult on proposed revisions to the Policy where it considers it appropriate to do so.
8. The Council will review this Policy’s Supporting Documents on a rolling basis and make revisions where required. The Council may consult on proposed revisions to the Supporting Documents where it considers it appropriate to do so.

9. The Regulatory Services Manager, in consultation with the Legal, Democratic and Electoral Services Manager, may make minor amendments to this Policy and the Supporting Documents where he considers it prudent to do so to ensure the continued operation and effectiveness of this Policy and the Supporting Documents. Any such amendments will be reported to the Licensing and Safety Committee at the next meeting of the Licensing and Safety Committee.
10. Where reasonable and appropriate the Council may procure a third party to undertake the actions and processes set out in this Policy and its Supporting Documents.

5: DECISION MAKING

1. Under the Council's constitution (available online at www.rugby.gov.uk) the Licensing and Safety Committee has delegated authority to discharge a range of non-executive regulatory and licensing functions including those relating to hackney carriage and private hire vehicles, drivers and operators. The majority of these functions are further delegated to the Licensing Sub-Committee (General), which comprises of three members of the Licensing and Safety Committee.
2. References which refer to the Licensing and Safety Committee in this Policy shall be taken to include the Licensing Sub-Committee (General).
3. The Head of Environment and Public Realm has delegated authority under the Council's constitution to:
 - 3.1. operate and manage the Council's hackney carriage and private hire operational and advertising policies. This includes the approval of new and renewal applications for vehicle, driver and operator licences, but not the refusal of such applications;
 - 3.2. to suspend vehicle and operator licences where there is serious or imminent risk to public safety that requires immediate action; and
 - 3.3. to suspend and revoke driver licences (in consultation with the Chairman or Vice Chairman of the Licensing and Safety Committee) where there is serious or imminent risk to public safety that requires immediate action.
4. In practice, the Head of Environment and Public Realm further delegates these functions to the Regulatory Services Manager and the Licensing Team/Licensing Officers.
5. Where a matter falls outside of the Head of Environment and Public Realm's delegated authority, the matter will be referred to the Licensing and Safety Committee for determination.
6. This Policy sets out the requirements and standards that must be met by the hackney carriage and private hire trade. In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this Policy and its Supporting Documents. However, as with any decision by the Council, each case will be considered on its own merits. Where it is necessary to depart from the Policy, clear and compelling reasons will be given for doing so.

6: FIT AND PROPER PERSON

1. The Council considers that licensed drivers and operators are in a position of trust and therefore the Council must ensure that those who hold a driver licence or private hire operator licence are, and remain, fit and proper to hold a licence.
2. This requirement to be a fit and proper person is contained within sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976.
3. The term “fit and proper person” is not legally defined. However, in determining whether a person is fit and proper to hold a licence, the decision maker is effectively asking the following question of themselves:

“Would you allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?”

4. If the answer to the question is an unqualified ‘yes’, then the person can be considered to be fit and proper. If there are any doubts in the minds of those who make the decision, then further consideration should be given as to whether a licence should be granted to that person.
5. In order to assess the suitability of an applicant (and to inform decision makers when answering the question above), the Council will undertake those checks and processes it considers necessary to ensure that licenses are not issued to, or used by, unsuitable people. In assessing the suitability of an applicant (or licence holder), the Council will take into consideration the following factors:
 - 5.1. a person’s criminal record/history;
 - 5.2. how long a person has held a driver’s license;
 - 5.3. the number of endorsed driving licence penalty points held by a person;
 - 5.4. a person’s right to work in the UK;
 - 5.5. a person’s ability to speak English;
 - 5.6. a person’s medical fitness;
 - 5.7. a person’s standard of driving/driving ability;
 - 5.8. a person’s general conduct and standards of behaviour (including known online behaviour);
 - 5.9. whether a person has acted with honesty and integrity during the application process;
 - 5.10. the previous licensing history of existing/former licence holders (including honesty and integrity);

- 5.11. a person's theoretical knowledge of issues and matters related to the work of a licensed driver; and
- 5.12. information provided by other statutory agencies and third parties, including but not limited to:
 - 5.12.1. the Police;
 - 5.12.2. child and adult safeguarding boards; and
 - 5.12.3. other licensing authorities.
- 6. In assessing whether someone is a fit and proper person to hold or retain a licence, the Council will consider each case on its merits. To assist in this assessment, the Council has adopted the approach set out in Appendix A.
- 7. Where the Council becomes aware of any issues including previous criminal convictions, any arrest, any charges, inappropriate behaviour or matters arising as part of a DBS certificate, then the applicant or licence holder (as the case may be) will be referred to the Licensing and Safety Committee.

7: DRIVER LICENCES

1. Any person who drives a hackney carriage must hold the appropriate vehicle driver licence. Hackney carriage vehicle driver licenses are issued in accordance with section 46 of the Town Police Clauses Act 1847.
2. Any person who drives a private hire vehicle must hold the appropriate vehicle driver licence. Private hire vehicle driver licenses are issued in accordance with section 51 of the Local Government (Miscellaneous Provisions) Act 1976.
3. The Council aims to ensure that private hire and hackney carriage services delivered within the Borough are of a good standard.
4. The sections below, therefore, apply equally to private hire and hackney carriage drivers unless otherwise indicated.
5. Licensed drivers provide a public service, therefore all drivers must satisfy the Council that they are fit and proper people to be granted a driver licence. All drivers must then remain fit and proper people for the duration of their licence. The fitness and propriety of a driver will be kept under review throughout the period that a licence is held.

APPLICATION REQUIREMENTS

1. The Council issues licenses that enable the driving of both hackney carriages and private hire vehicles (unless otherwise requested).
2. Licenses will be issued for a maximum period of three years, however the Council reserves the right to issue licenses for a shorter period of time if it is considered appropriate.
3. It may be appropriate to issue a licence for a shorter period where:
 - 3.1. an applicant's UK driving licence expires in less than three years;
 - 3.2. an applicant has a medical condition requiring annual medical examinations; or
 - 3.3. an applicant's right to work expires in less than three years.
4. To be eligible for a licence, applicants must:
 - 4.1. complete an application form and pay the relevant fee;
 - 4.2. provide a statutory declaration relating to previous criminal and motoring behaviour;
 - 4.3. have held a full UK driving licence for a minimum of one year. Applicants holding an EU driving licence will be required to convert them to a UK driving licence prior to making an application for a driver licence;

- 4.4. provide proof that they have a statutory right to work in the UK;
 - 4.5. provide a Disclosure and Barring Service (the “DBS”) certificate which covers an enhanced DBS check;
 - 4.6. provide a medical examination form completed by the applicant’s GP;
 - 4.7. pass the Council’s driving assessment;
 - 4.8. pass the Council’s knowledge test;
 - 4.9. pass the Council’s language test;
 - 4.10. attend a safeguarding and child sexual exploitation awareness training;
 - 4.11. sign the code of conduct; and
 - 4.12. attend a disability awareness training (drivers of wheelchair accessible vehicles only).
5. Further information on each of these elements is set in Appendix B.
 6. Applicants should note that the Council, in considering an application for a driver licence, may:
 - 6.1. access the DVLA records of applicants;
 - 6.2. access the national register of licence revocations and refusals to check if an applicant has previously had a licence refused or revoked by another local authority;
 - 6.3. make additional enquiries through Warwickshire Police (and other police forces where appropriate);
 - 6.4. make additional enquiries of other local authorities, including those who may have licensed the applicant previously; and
 - 6.5. make enquiries of any other appropriate organisation, agency or person as is reasonably necessary.
 7. Where appropriate, the Council may share information submitted as part of the application process with other departments within the Council, Warwickshire County Council and other external statutory bodies (such as the Police and HM Revenue & Customs. Any sharing of information will comply with relevant data protection legislation in force at the time.
 8. The Council will also provide relevant information to the national register of licence revocations and refusals.

9. The information provided as part of the application process for both new driver licences and renewal of driver licences assists the Council in assessing whether an applicant satisfies the fit and proper person.

ON-GOING REQUIREMENTS

1. The Council is committed to ensuring that the licensed trade is fit and proper. This will entail periodic audits of licensed drivers to ensure that any errors or material changes are identified and acted upon.
2. Existing licence holders must notify the Council in writing of any material change in the information provided in the application form or statutory declaration, including details of any new convictions etc. Such notification should be made within 5 working days of that matter coming to the attention of the licence holder. Failure to do so may result in enforcement action being taken.
3. It is recognized that the trade plays an important role in portraying a positive image of Rugby and drivers are seen as key ambassadors for the Borough. As such, all drivers must:
 - 3.1. not ply for hire unless they are a licensed hackney carriage;
 - 3.2. comply with the Council's dress standards;
 - 3.3. comply with the code of conduct;
 - 3.4. comply with their relevant conditions of licence; and
 - 3.5. comply with the Council's smoking requirements.
4. Plying for hire
 - 4.1. Only licensed hackney carriages are permitted to ply for hire and only in the administrative area of the Council with which they are licensed.
 - 4.2. It is illegal for a private hire vehicle to ply for hire.
 - 4.3. Therefore:
 - 4.3.1. all private hire vehicle journeys must be pre-booked through a licensed private hire operator;
 - 4.3.2. private hire vehicles must not carry passengers if the journey has not been pre-booked with a private hire operator by the passenger;
 - 4.3.3. all bookings must be made by prospective passengers with a private hire operator who will dispatch the vehicle. Prospective passengers may instruct a third party, e.g. a restaurant manager or bus station marshal, to make a booking on their behalf but

this third party must not be the private hire vehicle driver;

- 4.3.4. a driver of a private hire vehicle is not permitted to make the booking on behalf of a prospective passenger e.g. via their radio or mobile telephone or another device;
 - 4.3.5. private hire operators must not accept any booking made by a driver on behalf of a passenger;
 - 4.3.6. private hire vehicle drivers are not permitted to make their vehicles available for immediate hire. This means that private hire vehicle drivers must not physically position their vehicles in such a way as to be waiting in any area that is on view to the public to invite custom, e.g. allowing prospective customers to approach the vehicle and ask, 'are you free?';
 - 4.3.7. private hire vehicles must not wait at any taxi rank/stand; and
 - 4.3.8. private hire vehicles must not be hailed in the street.
- 4.4. The above is not an exhaustive list of what may be considered plying for hire. Accordingly, each case of allegedly unlawful 'plying for hire' will be judged on its own merits.

5. Dress standards

- 5.1. Drivers should adhere to the following minimum standards:
 - 5.1.1. drivers must have good standards of personal hygiene;
 - 5.1.2. all clothing worn by drivers should be clean and in good condition, free from holes and rips;
 - 5.1.3. all clothing worn by drivers should avoid words or graphics that are, or could be, offensive or suggestive in nature;
 - 5.1.4. drivers must ensure that both the top and bottom half of their bodies are suitably clothed at all times;
 - 5.1.5. drivers should ensure that their clothing does not obscure their vision or their identity, e.g. the wearing of hoods; and
 - 5.1.6. all footwear worn by drivers must fit around the heel of the foot – open backed shoes, e.g. flip flops, are not acceptable.
- 5.2. Employees working for companies operating their own dress codes will still be required to comply with the Council's minimum standards.
- 5.3. Anything that serves to enhance the professional image of the trade is welcomed.

6. Code of conduct

- 6.1. It is essential that all passengers, including the young, elderly and other vulnerable people, are safeguarded and protected whilst being transported in a licensed vehicle.
- 6.2. The Council has therefore drawn up a code of conduct which must be signed by all drivers and complied with throughout the duration of any licence period. This is a condition of the driver licences.
- 6.3. A copy of the code of conduct will be provided during the application process and is also available on request from the Council.
- 6.4. The code of conduct will be updated from time to time as considered reasonable or necessary by the Council. Licence holders will be notified of any updates to the code of conduct.

7. Conditions of licence

- 7.1. The Council may attach such conditions to driver licences as are considered necessary. A copy of the standard conditions for driver licences will be provided during the application process and is also available on request from the Council.
- 7.2. The standard conditions for driver licences will be updated from time to time as considered reasonable or necessary by the Council. Licence holders will be notified of any updates to the standard conditions for driver licences.

8. Smoking requirements

- 8.1. Smoking is prohibited in all hackney carriage and private hire vehicles.
- 8.2. A driver found smoking or permitting smoking to take place in a licensed vehicle, may be subject to enforcement action by the Council.
- 8.3. Appropriate no-smoking signage must be displayed inside vehicles in accordance with the Health Act 2006.
- 8.4. For the purposes of this Policy, "smoking" means the use of all tobacco products e.g. cigarettes, pipes, cigars, and all alternative smoking devices, such as electronic cigarettes, vapour devices and any other similar form of inhalation device (with or without nicotine).

8: VEHICLE LICENCES

1. All hackney carriages and private hire vehicles must have their own vehicle licence.
2. There are no statutory criteria for vehicle licenses, therefore the Council has an absolute discretion over whether to grant either a hackney carriage or private hire vehicle licence.
3. The Council does not consider speculative applications, however Licensing Officers may be able to provide pre-application advice in relation to specific vehicles.
4. All wheelchair accessible hackney carriages and private hire carriages will automatically be placed on the Council's "designated vehicles" list. Drivers of such vehicles will need to comply with their duties under the Equality Act 2010 (see section 13 below). A driver of a designated vehicle may apply for an exemption certificate (see Appendix B for further guidance on driver's medical requirements).
5. The Council maintains a list of approved multi-purpose vehicles, which are permitted for licensing as private hire vehicles and/or hackney carriages.

APPLICATION REQUIREMENTS

1. Vehicle licences will generally be issued for a period of one year.
2. To be eligible for a licence, applicants must:
 - 2.1. complete an application form and pay the relevant fee;
 - 2.2. provide the original vehicle registration document (logbook or V5 certificate) for the vehicle;
 - 2.3. provide the original insurance certificate or insurance cover note for the vehicle (this may be emailed directly from the insurer to the Council);
 - 2.4. provide a current MOT certificate for the vehicle (to the extent that an MOT certificate is required by law);
 - 2.5. pass the Council's mechanical compliance test and provide a certificate of compliance for the vehicle;
 - 2.6. where a vehicle is not manufactured with European whole vehicle type approval, provide evidence that the vehicle has obtained single vehicle approval;
 - 2.7. ensure the vehicle complies with the Council's vehicle specifications (see Appendices C and D); and

- 2.8. ensure the vehicle complies with the Council's vehicle emissions standards (see Appendix E).
3. Where a vehicle has been recently purchased, the new keeper's section of the V5 certificate, together with evidence of the purchase, will be accepted at the time of the application provided that the full logbook or V5 certificate is provided prior to the licence being issued.
4. The insurance certificate or insurance cover note should be in place for each driver of the vehicle and specify that the vehicle is to be used as a hackney carriage and/or a private hire vehicle. Where the vehicle is to be used as a hackney carriage, the insurance should cover both public hire and hire and reward. A private hire vehicle's insurance needs only to cover hire and reward.
5. Where an insurance cover note is accepted as part of a vehicle licence application, an insurance certificate should be provided within 3 working days of receipt by the licensee.
6. Hackney carriages are required to have a taximeter which is calibrated to the Council's Tariff (see section 10 below). Private hire vehicles are not required to have a taximeter. A private hire vehicle's taximeter is not required to be calibrated to the Council's Tariff, but may be calibrated to a private hire operator's fare tariff.

ON-GOING REQUIREMENTS

1. It is recognized that the trade plays an important role in portraying a positive image of Rugby and drivers are seen as key ambassadors for the Borough. As such, all vehicles must:
 - 1.1. comply with their relevant conditions of licence;
 - 1.2. submit the vehicle for mechanical compliance testing as required;
 - 1.3. comply with the Council's vehicle emissions standards (see Appendix E);
 - 1.4. comply with the Council's vehicle identification requirements;
 - 1.5. comply with the Council's tyre standards;
2. Conditions of licence
 - 2.1. The Council may attach such conditions to vehicle licences as are considered necessary. A copy of the standard conditions for vehicle licences will be provided during the application process and is also available on request from the Council.
 - 2.2. The standard conditions for vehicle licences will be updated from time to time as considered reasonable or necessary by the Council. Licence holders will be notified of any updates to the standard conditions for vehicle licences.

3. Mechanical compliance testing

- 3.1. Any vehicles aged six years or over will be required to pass the Council's mechanical compliance test every six months and provide a certificate of compliance for the vehicle within 3 working days of the test being carried out.
- 3.2. A licensed vehicle may be tested up to eight weeks before the due date of the next mechanical compliance test (for both six monthly tests and renewal application tests). It is the licence holder's responsibility to ensure the test is booked at the appropriate time.
- 3.3. At each mechanical compliance test the vehicle will be permitted one retest only. Once a vehicle fails a mechanical compliance test and retest it will cease to be suitable for licensing.

4. Vehicle identification

- 4.1. Hackney carriage vehicles must display a yellow licence plate on the rear of the vehicle and an internal badge must be displayed in the front windscreen, on the passenger side and not obscure the driver's view. In wheelchair accessible vehicles, this badge must be displayed on the partition between the driver and passengers.
- 4.2. Hackney carriages must have an illuminated 'taxi' roof sign.
- 4.3. Hackney carriages must be white in colour with black and white chequered stripes on the side.
- 4.4. Private hire vehicles must display a green licence plate on the rear of the vehicle and an internal badge must be displayed in the front windscreen, on the passenger side and not obscure the driver's view. In wheelchair accessible vehicles, this badge must be displayed on the partition between the driver and passengers.
- 4.5. Private hire vehicles must not be white or purpose-built taxis.
- 4.6. Licence plates for both hackney carriages and private hire vehicles must be permanently affixed to the rear bumper of the vehicle.

5. Tyre standards

- 5.1. Tyres are the vehicle's only point of contact with the road, so it is essential that they are in good condition. The Council requires that all licensed vehicles adhere to the following tyre standards.
- 5.2. Tyre treads are designed to efficiently and effectively remove water from the road surface and provide maximum grip. All tyres fitted to the vehicle must have at least 1.6mm tread depth throughout a continuous band in the centre 3/4 of the tread and around the entire circumference of the tyre.

- 5.3. Tyres fitted to a vehicle must be fit for purpose and be free from any defects which might damage the road or endanger any person. For the purposes of this Policy, fit for purpose means that a tyre must:
 - 5.3.1. be compatible with the types of tyres fitted to the other wheels;
 - 5.3.2. not have any lump, bulge or tear caused by separation or partial failure of the structure of the tyre;
 - 5.3.3. not have a cut or tear in excess of the greater of 25mm or 10% of the sectional width of the tyre and which is deep enough to reach the ply or cord;
 - 5.3.4. not have any part of the ply or cord exposed; and
 - 5.3.5. be correctly inflated to the manufacturer's recommended pressure.
- 5.4. All replacement tyres fitted to licensed vehicles must be new and have been fitted by a reputable vehicle maintenance company or contractor. The fitting of part worn tyres to licensed vehicles is not permitted. Vehicle proprietors are required to retain invoices or receipts to evidence that any tyre that is purchased meets this requirement. Such evidence must be provided to the Council within 3 working days of a request.
- 5.5. "Space saving" spare tyres must only be used in an emergency and then only in accordance with the manufacturer's instructions. Where the use of a "space saving" spare tyre become necessary during a period of hire then the journey may continue, but the tyre must be replaced before the next journey for hire or reward commences.
6. The Council will undertake periodic auditing of licensed vehicles to ensure appropriate insurance is in place.

ACCIDENTS

1. If at any time the vehicle is involved in an accident, however minor, the driver or the vehicle proprietor must inform the Council of this fact as soon as possible and in any event within 72 hours (by letter or email).
2. The vehicle must be presented for inspection at the Council offices as soon as reasonably possible after the accident has taken place. Failure to present the vehicle for the inspection may result in the vehicle's licence being suspended until the vehicle is presented for inspection.
3. If the vehicle is so damaged that it cannot be driven, then the driver or the vehicle proprietor must inform the Council of this fact. The driver or the vehicle proprietor is advised to take photographic evidence of the vehicle's condition that clearly illustrates the reasons why the vehicle cannot be driven and/or presented for

inspection.

4. Where the vehicle cannot be driven and/or presented for inspection the Council will advise the driver or the vehicle proprietor of the appropriate action to be taken.

CCTV

1. Outward facing CCTV cameras which do not record passengers, (e.g. “dash-cams”) may be used in licensed vehicles without the need to notify the Council.
2. CCTV cameras which record passengers (images or sound or both) must be a system that has been approved for use in writing by the Council and such approval must be obtained prior to installation.
3. Once a CCTV camera has been installed, it must be sealed with a tamper-proof seal. CCTV footage may be downloaded by the Council or by a private hire operator (provided that such private hire operator is registered as a “data controller” with the Information Commissioner).
4. CCTV images recorded in licensed vehicles must not be published or provided to the general public (via any method) without the prior written permission of the Council. Generally, such permission will require the consent of any person featured in the CCTV or such publication or provision is in the public interest or will assist in safeguarding the public.
5. Where the Council has a CCTV policy in place, licensees must adhere to the policy so far as it is appropriate or reasonable to do so.

9: PRIVATE HIRE OPERATOR LICENCES

1. A licensed private hire vehicle must only be dispatched to a customer by a private hire operator with a private hire operator licence. Such a licence permits the operator to make provision for the invitation and acceptance of bookings for a licensed vehicle.
2. A private hire operator must ensure that every licensed private hire vehicle it operates is driven by a licensed private hire driver who is licensed by the same local authority that issued the vehicle licence. This local authority must also be the same as the one that issued the private hire operator licence.
3. Any person who operates a private hire service must apply to the Council for a private hire operator licence. The objective in licensing private hire operators is the safety of the public who will be using operator's premises, and vehicles and drivers arranged through them.
4. The Council will only issue licenses to applicants who are deemed to be fit and proper persons. In assessing this, the Council will have regard to the factors previously outlined in section 6 above and Appendix A. In addition, for a private hire operator licence, the Council will have regard to the business practices demonstrated by the applicant, including but not limited to the standard of record keeping, compliance with other regulatory requirements and financial practices.

APPLICATION REQUIREMENTS

1. The day to day manager of the private hire business can be the person who is applying for the operator licence or they can nominate another person to hold the licence.
2. The Council will usually issue private hire operator licenses for a maximum of five years, but an applicant may request a lesser period.
3. To be eligible for a licence, applicants must:
 - 3.1. complete an application form and pay the relevant fee;
 - 3.2. provide a DBS certificate which covers a basic DBS check (unless the applicant has recently submitted a DBS certificate in relation to a driver licence);
 - 3.3. pass the Council's knowledge test and obtain a certificate of competence; and
 - 3.4. sign the code of conduct.
4. The person who will be in day-to-day charge of the business will be required to hold a certificate of competence issued by the Council. In order to obtain this certificate, this person will be required to pass a knowledge test on the conditions of licence attached to the private hire operator licenses, private hire vehicle

licenses and private hire driver licenses. The pass rate for this knowledge test is 85%.

5. Applicants should note that the Council, in considering an application for an operator licence, may:
 - 5.1. access the national register of licence revocations and refusals to check if an applicant has previously had a licence refused or revoked by another local authority;
 - 5.2. make additional enquiries through Warwickshire Police (and other police forces where appropriate);
 - 5.3. make additional enquiries of other local authorities, including those who may have licensed the applicant previously; and
 - 5.4. make enquiries of any other appropriate organisation, agency or person as is reasonably necessary.
6. Where appropriate, the Council may share information submitted as part of the application process with other departments within the Council, Warwickshire County Council and other external statutory bodies (such as the Police and HM Revenue & Customs. Any sharing of information will comply with relevant data protection legislation in force at the time.
7. The Council will also provide relevant information to the national register of licence revocations and refusals.
8. The information provided as part of the application process for both new operator licences and renewal of operator licences assists the Council in assessing whether an applicant satisfies the fit and proper person.

ON-GOING REQUIREMENTS

1. The Council is committed to ensuring that the licensed trade is fit and proper. This will entail periodic audits of licensed private hire operators to ensure that any errors or material changes are identified and acted upon.
2. It is recognized that the trade plays an important role in portraying a positive image of Rugby and drivers are seen as key ambassadors for the Borough. As such, all private hire operators must:
 - 2.1. ensure the compliance of their drivers and vehicles with their relevant licence conditions and regulatory regimes;
 - 2.2. comply with the code of conduct; and
 - 2.3. comply with their relevant conditions of licence.
3. Where an operator's licence is in existence and the person who holds the

certificate of competence leaves, the operator will need to notify the Council within 36 hours. The Council will allow a short period for a replacement to be appointed and a new certificate of competence obtained.

4. If an operator plans to leave, it is recommended that they contact the Council before such leaving date in order to facilitate a handover.
5. Drivers and vehicles
 - 5.1. The private hire operator is responsible for all persons and vehicles that are employed, used, contracted or otherwise used in the course of their business.
 - 5.2. Therefore, the private hire operator must undertake sufficient checks to satisfy themselves that only suitable drivers and vehicles are used (and continue to be used) in the course of their business.
 - 5.3. The failure of a private hire operator to ensure that appropriate checks are carried out may call into question the operator's fitness and propriety.
 - 5.4. Additionally, failure to take appropriate action in relation to drivers who persistently breach licence conditions may call into question the operator's fitness and propriety.
 - 5.5. The following are examples of circumstances that may affect the fitness and propriety of a private hire operator:
 - 5.5.1. vehicles being operated that are in an unsuitable condition;
 - 5.5.2. vehicles being operated without appropriate insurance in place;
 - 5.5.3. a failure to co-operate with the Council in investigating complaints; and
 - 5.5.4. a failure by private hire operators to satisfactorily address concerns/complaints in relation to licensed drivers/ vehicles.
6. Code of conduct
 - 6.1. It is essential that all passengers, including the young, elderly and other vulnerable people, are safeguarded and protected whilst being transported in a licensed vehicle.
 - 6.2. The Council has therefore drawn up a code of conduct which must be signed by all operators and complied with throughout the duration of any licence period. This is a condition of the operator licences.
 - 6.3. A copy of the code of conduct will be provided during the application process and is also available on request from the Council.

6.4. The code of conduct will be updated from time to time as considered reasonable or necessary by the Council. Licence holders will be notified of any updates to the code of conduct.

7. Conditions of licence

7.1. The Council may attach such conditions to operator licences as are considered necessary. A copy of the standard conditions for operator licences will be provided during the application process and is also available on request from the Council.

7.2. The standard conditions for operator licences will be updated from time to time as considered reasonable or necessary by the Council. Licence holders will be notified of any updates to the standard conditions for operator licences.

10: FARES & FEES

HACKNEY CARRIAGE FARES

1. The hackney carriage table of fares (the “Tariff”) is set by the Council and sets the maximum fare that can be charged by hackney carriage drivers for journeys within the Borough.
2. The Council recognises the importance of the Tariff being fair (both to the public and to the trade). This is particularly the case as hackney carriages used for private hire can only charge at the rates set by the Council.
3. Taximeters must be calibrated to the Tariff in order to calculate journey fares, however the fare may be negotiated downwards by the hirer. In addition, the Council expects all drivers to meet their legal obligation not to prolong a journey.
4. The hirer may agree to the fare for a journey that terminates outside the Borough boundary being charged other than at the metered rate.
5. The Tariff is enforceable as a byelaw and it is an offence for the driver to charge more than the metered fare.
6. The Council will review the Tariff from time to time and make any reasonable adjustments, taking into account the consumer price index for the previous year. Any review of the Tariff will be undertaken in consultation with hackney carriage drivers and owners.
7. A notice of any variation to the Tariff (including its implementation date) will be advertised by the Council and notified to the trade.
8. A copy of the Tariff will be provided to each hackney carriage licence holder and it must be displayed in the vehicle in a position where it is visible to passengers. The Tariff will also be published on the Council’s website.
9. Drivers must, if requested by the hirer, provide written receipts for the fare paid.

PRIVATE HIRE FARES

1. The Council is not permitted to set fares for private hire vehicles. However, the amount charged should be no more than the agreed fare. In addition, the Council expects all drivers to meet their legal obligation not to prolong a journey.
2. Private hire vehicles that are fitted with a taxi meter must provide the Council with a current table of fares. A copy of this table must also be displayed in the private hire vehicle where it is easily visible to passengers.
3. Drivers must, if requested by the hirer, provide written receipts for the fare paid.

FEES

1. Fees may be charged to applicants to cover the costs of the Council in providing licensing services.
2. Such services include the administration of applications, ensuring compliance by licensees within the trade and taking action against unlicensed drivers and/or businesses.
3. The Council's charging policy is that the fees charged by the authority should meet the cost to the authority to administer the service and should not make a profit or a loss. Any surplus produced will be put back into the service.
4. The Council is committed to working with the trade to identify ways in which savings/efficiencies can be made to avoid increasing the financial burden on the trade.
5. The Council may review the fees annually or more often where there is a material change to the cost of providing the licensing services.

11: COMPLAINTS

1. People often make complaints against licensed drivers and operators. They allege things like refusal to help a disabled passenger, use of abusive language or refusal to accept a fare. Where appropriate, complainants will be encouraged to raise complaints directly with the relevant licence holder or business concerned in the first instance.
2. The Council will investigate all complaints and, if the complaint is serious enough, may ask the licensee for a response or ask the licensee to attend an interview. Complaints may be investigated by way of an interview under caution in compliance with the Police and Criminal Evidence Act 1984.
3. People may submit service requests, complaints and concerns about licensed drivers, vehicles and operators via email to licensing@rugby.gov.uk. In addition, if anyone wishes to complain about the service provided by the Council, there is a complaints procedure on the Council's website.
4. When considering a complaint, the Council will review the licensee's prior conduct alongside the incident's specific circumstances.
5. The Council is aware of the realities of the trade and that members of the public often verbally abuse drivers.
6. If the Council is satisfied that the complaint has merit and the licensee's behaviour fell below the required standard and/or there was a breach of the relevant licence conditions, the code of conduct or this Policy, then the Council will consider taking enforcement action.
7. In order to protect the public and monitor any emerging patterns of behaviour, all complaints will remain on the licensee's record together with any response or interview record of the licensee and the outcome of that complaint.
8. Where a pattern of behaviour emerges, the Council will review the licensee's history and consider whether further action is required.
9. The Council will retain complaints for the duration of the time a licensee is licensed and for seven years following the expiry such period.
10. Where the Council receives more than three upheld complaints from customers relating to the licensee's customer care, overcharging or poor driving, the licensee may be required to undertake additional training at their own expense.

12: COMPLIANCE & ENFORCEMENT

GENERAL

1. The principal purpose of hackney carriage and private hire vehicle licensing is to protect the public and promote public safety. In doing this the Council aims to provide the delivery of efficient, targeted and proportionate regulatory services to provide a positive approach to those regulated.
2. The Council will work closely with the trade to achieve compliance with the relevant legislation and the relevant conditions of licence. Enforcement action taken by the Council will be done so in accordance with any enforcement policy adopted by the Council from time to time. Licence holders are strongly encouraged to co-operate with the Council, the police and with officers of all other local authorities.
3. A range of tools and powers, to ensure compliance, including mystery shopping, will be used. Compliance assessment is ultimately to ensure that the driver or operator is a 'fit and proper' person to hold a licence and/or the vehicle is safe. The safety of passengers, pedestrians and other road users is paramount.
4. Where appropriate, referrals to other agencies will be made, such as, the police, HM Revenue and Customs and safeguarding teams. The Council will work closely with other enforcement authorities when dealing with licensed and unlicensed vehicles and drivers, especially concerning cross boundary related issues
5. Where there is a shared enforcement role with other agencies e.g. the police, the Council will liaise with and co-operate with them to ensure there is no conflict of interest or unnecessary duplication of enforcement.
6. The Council will respond to complaints made by the public and referrals made by other agencies and bodies. In addition, the Council will undertake proactive inspections and testing as either day to day activities or as part of programmed operations.
7. Any breach of this Policy, the licence conditions or the law may be referred to the Licensing and Safety Committee and may lead to suspension or revocation of the relevant licence or to prosecution.
8. If the Council considers it necessary, in the interests of public safety, it may require a suspension or revocation to take place immediately.

ENFORCEMENT OPTIONS

1. Licence application and enforcement decisions will be consistent, balanced, fair and relate to common standards which ensure that the public is adequately protected. In reaching any decision a range of criteria will be considered including, but not limited to:
 - 1.1. seriousness of any offences;

- 1.2. driver or operator's past history;
 - 1.3. consequence of non-compliance;
 - 1.4. likely effectiveness of the various enforcement options; and
 - 1.5. danger to the public.
2. The options available in relation to licence applications or renewals are:
 - 2.1. grant a licence subject to conditions;
 - 2.2. refuse to grant a license; or
 - 2.3. grant a licence for a shorter time period.
 3. Other enforcement options are:
 - 3.1. take no action;
 - 3.2. take informal action;
 - 3.3. suspend a licence (either with conditions or for a period of time);
 - 3.4. revoke a license;
 - 3.5. use simple cautions;
 - 3.6. endorse a licence issued by the Council with penalty points; or
 - 3.7. recommend prosecution.

Licence Applications

1. In circumstances where an applicant has not provided all relevant information, documents, or has failed to comply with any of the requirements to apply for or renew a licence, the Council may refuse to issue or renew that licence.

Informal Action

1. Informal action to secure compliance with legislation includes offering advice, verbal and written warnings and written requests for action, documentation or inspections.
2. Verbal warnings will be confirmed in writing.
3. Such informal enforcement actions may be appropriate in any of the following circumstances:

- 3.1. the act or omission is not serious enough to warrant more formal action;
- 3.2. from the individual driver or operator's past history it can be reasonably expected that informal action will achieve compliance;
- 3.3. confidence in the operator's management is generally high;
- 3.4. the consequences of non-compliance will not pose a significant risk to the safety of the public.

Suspensions or revocations

1. The Council may serve notice in writing for a hackney carriage, private hire vehicle or taximeter attached to a licensed vehicle, requiring the vehicle or taximeter to be examined by the Council at a time specified in the notice.
2. This notice will only be served having had due regard to the condition of the vehicle or with reasonable grounds to suspect the accuracy of the taximeter.
3. Where an individual failure in meeting the vehicle conditions is detected, the Council may take action to suspend the licence and require remedial action.
4. Further use of the vehicle will be suspended until the defects have been remedied. The suspension will not be lifted until the vehicle has undergone a further mechanical compliance test at the proprietor/driver's expense.
5. Where there is immediate danger to passengers and/or other road users, the Council may suspend the licence with immediate effect.
6. Where there is no immediate danger to passengers and/or other road users, licence holders may be required to appear before the Licensing and Safety Committee for suspension to be considered.
7. In all other circumstances, when considering a suspension or a revocation, the Council will give due consideration to all the relevant facts and circumstances, including the aims and objectives of this Policy and the nature of the breach. Suspensions and revocations will normally be dealt with by the Licensing and Safety Committee unless immediate action is required in the interests of public safety where the risk to the public is great.
8. Except in cases of immediate suspension or revocation, if the Council decides to suspend or revoke a licence, this will normally take effect at the end of the 21-day period starting with the day on which the Council issued its decision, unless an appeal is made.
9. Except in cases of immediate suspension or revocation, if an appeal is made, the Council's decision will not take effect until the appeal is determined (provided that the Council's decision has not been quashed or overturned).
10. Where a driver's licence has been revoked by the Council, the Council would

not normally consider an application for the grant of a new licence until the expiration of 12 months from the date of revocation.

Simple Cautions

1. A simple caution may be used as an alternative to a prosecution in certain circumstances. A caution is an acceptance of guilt of an offence without a conviction.

Penalty Points

1. The aim of the penalty point scheme is to work in conjunction with other enforcement options. It provides a formalised stepped enforcement plan. The purpose of the scheme is to record misdemeanours and to act as a record of drivers, vehicle proprietors and operator's behaviour and conduct so as to ascertain whether they are a fit and proper person. It does not prejudice the Council's ability to take other enforcement actions.
2. The primary objective of the penalty point's scheme is to improve levels of compliance and help improve the standards, safety and protection of the travelling public.
3. Penalty points remain on the licensee's record for 24 months. The period is a roll forward basis, so as to allow any older points to be considered as spent and therefore excluded from the running total recorded against any individual licensee.
4. Where a licensee accumulates 12 or more penalty points in any 24-month period, the matter will be referred to the Licensing and Safety Committee to decide whether the licensee remains a fit and proper person. The Licensing and Safety Committee may then take any further enforcement action it considers necessary.
5. Periods of suspension of a licence by the Licensing and Safety Committee as a result of the accumulation of penalty points will be dependent on the nature of the breaches concerned, but suspension periods will normally vary between 7 to 31 days.
6. Penalty points issued to either the proprietor of a vehicle, operator or a driver will be confirmed in writing normally within 10 working days of the conclusion of the investigation into the contravention.
7. Any disputes regarding the issuing of penalty points will be referred to the Licensing and Safety Committee. Drivers, proprietors and operators must appeal against the issue of penalty points awarded by officers to the Licensing and Safety Committee within 21 days of written notification of the penalty points being issued.
8. The penalty points scheme will operate without prejudice to the Council's ability to take other action that it is entitled to take under legislation, byelaws and

regulations.

9. Appendix F sets out a non-exhaustive list of penalties and the maximum penalty points applicable. Other offences and/or contraventions will be dealt with in a comparable way.

Prosecution

1. The decision to prosecute is a very significant one. Decisions to prosecute will be made in a consistent manner and be proportionate to the circumstances.
2. Circumstances which are likely to warrant prosecution may be characterised by one or more of the following:
 - 2.1. where there is a blatant disregard for the law, particularly where the economic advantages of breaking the law are substantial and the law-abiding are placed at a disadvantage to those who disregard it;
 - 2.2. when there appears to have been reckless disregard for the safety of passengers or other road users;
 - 2.3. where there have been repeated breaches of legal requirements;
 - 2.4. where a particular type of offence is prevalent; or
 - 2.5. where a particular contravention has caused serious public alarm.

APPEALS

1. All notifications of decisions to licence holders will include information on how to appeal and to whom the appeal is made, if the right of appeal exists.
2. Once a licence has been refused, suspended or revoked, the licence holder (or former licence holder) may appeal to the local Magistrates Court in order to challenge the Council's decision. There is no other recourse available should they wish the refusal, suspension or revocation to be reversed.
3. Any person aggrieved by any conditions attached to a licence may also appeal to the local Magistrates Court in order to challenge the Council's decision.
4. If an applicant or licensee is unsuccessful at the Magistrates Court, there may be a further right of appeal to the Crown Court.
5. An individual considering an appeal is advised to seek independent legal advice and to check the requirements for submitting an appeal with the relevant court.

RECORDS

1. Details of any enforcement action will be recorded by the Council and kept on the licensee's record. This will form part of the history which will be reviewed when

considering the appropriate action to take if further enforcement action is prompted.

13: MISCELLANEOUS

CO-OPERATION WITH THE COUNCIL

1. For the Council to undertake its functions effectively, licensed drivers and licensed private hire operators must co-operate with the Council's officers.
2. The licensee may be guilty of an offence if they:
 - 2.1. willfully obstruct an authorised officer acting in pursuance of their powers under the Local Government (Miscellaneous Provisions) Act 1976 or the Town Police Clauses Act 1847;
 - 2.2. fails to comply with any requirements made to them by an authorised officer; or
 - 2.3. without reasonable cause fails to give an authorised officer any other assistance or information which they may require for the performance of their functions.
3. Where a licensee has been convicted of one of these offences (or a comparable offence), the Council will normally refuse to issue another licence to that licensee until a minimum of five years has elapsed since the completion of any sentence imposed.

POLICE INVESTIGATIONS

1. From time to time the Police will notify the Council to advise that a licensee is under police investigation. The Council will assist the police with their investigations and provide them with any relevant information.
2. Where information that a licensee is currently being investigated comes to the attention of the Council, it will usually await the outcome of the investigation before taking any action in relation to the licensee's licence.
3. However, where the Council is concerned that there is an immediate risk to the public, it may take steps to suspend or revoke a licence prior to the completion of an investigation.

OTHER LEGISLATION

1. Licensees, where applicable, are expected to comply with the provisions of the Local Government (Miscellaneous Provisions) Act 1976 or the Town Police Clauses Act 1847 and any byelaws made in respect of hackney carriages.
2. The Council also expects licensees to comply with this Policy, the relevant conditions attached to their licence and the code of conduct.
3. In addition, licensees must comply with the provisions of the Equality Act 2010,

particularly in respect of wheelchair users and assistance dogs.

4. Wheelchair users

4.1. The duties placed on a driver of designated wheelchair accessible hackney carriages and private hire vehicles are:

- 4.1.1. not to refuse to take the passenger while in the wheelchair;
- 4.1.2. not to make any additional charge for doing so if the passenger chooses to sit in a passenger seat;
- 4.1.3. to take such steps as are necessary to ensure that the passenger is conveyed in safety and reasonable comfort; and
- 4.1.4. to give the passenger such mobility assistance as is reasonably required to enable the passenger to get in or out of the vehicle and to secure/convey the wheelchair as appropriate.

4.2. In addition, the Council may maintain a list of wheelchair accessible hackney carriages and private hire vehicles licensed in their area. These are known as “designated vehicles” and the drivers of such designated vehicles must comply with the duties set out above.

4.3. Failing to comply with the duties set out above may constitute an offence. Where a licensee has been convicted of an offence under the Equalities Act 2010 (or a comparable offence), the Council will normally refuse to issue another licence to that licensee until a minimum of seven years has elapsed since the completion of any sentence imposed.

5. Assistance dogs

5.1. The duties placed on a driver of hackney carriages and private hire vehicles are:

- 5.1.1. to carry the passenger’s assistance dog and allow it to remain with that person; and
- 5.1.2. not to make any additional charge for doing so.

5.2. Failing to comply with the duties set out above may constitute an offence. Where a licensee has been convicted of an offence under the Equalities Act 2010 (or a comparable offence), the Council will normally refuse to issue another licence to that licensee until a minimum of seven years has elapsed since the completion of any sentence imposed.

ABUSE OF DRIVERS BY MEMBERS OF THE PUBLIC

1. The Council strongly disapproves of any form of abusive and/or discriminatory behaviour directed at drivers or operators by members of the public. However,

the Council is not usually the appropriate authority to investigate such incidents.

2. Incidents of this nature should be reported to the Police using 101 so that they can be investigated. The Council will assist the Police in their investigations as far as it is appropriate and reasonable to do so.
3. The Council may investigate such incidents where they form part of a counter allegation following a complaint about a driver or operator.

APPENDIX A: GUIDANCE ON THE SUITABILITY OF APPLICANTS AND LICENSEES IN THE HACKNEY CARRIAGE AND PRIVATE HIRE TRADE

INTRODUCTION

1. The licensing process places a duty on the Council to protect the public. Given the nature of the role, it is paramount that those seeking a living in the trade meet the required standards. Often previous offending behaviour can be considered as a predictor in determining future behaviour and is a useful tool in assisting the Council in fulfilling its duties.
2. The purpose of this guidance is to specify how the Council will determine whether a particular person is fit and proper either to be granted a licence in the first place or to retain such a licence.
3. “Fit and proper” means that the person (or in the case of a private hire operator’s licence, the limited company together with its directors and secretary, or all members of a partnership) is “safe and suitable” to hold the licence. This test is considered on the balance of probability.
4. In determining safety and suitability the Council is entitled to take into account all matters concerning that applicant or licensee. It is not simply concerned with that person’s behaviour whilst working in the trade. This consideration is also far wider than simply criminal convictions or other evidence of unacceptable behaviour, and the entire character of the individual will be considered. This can include, but is not limited to, the individual’s attitude and temperament.
5. Ideally, all those involved in the trade will be persons of the highest integrity. The Council’s main aim is to ensure public safety, not punish applicants or licence holders. When considering whether someone is a fit and proper person, the Council will consider the range of customers using the trade, including:
 - 5.1. vulnerable adults;
 - 5.2. elderly people;
 - 5.3. unaccompanied children;
 - 5.4. disabled people;
 - 5.5. those who have had too much to drink;
 - 5.6. lone women;
 - 5.7. tourists including visitors from abroad; and
 - 5.8. unaccompanied property.

6. The Council hopes that where an applicant or licensee has to wait a while to get a licence, they will value it more highly.

AREAS OF PARTICULAR CONCERN

1. Key areas which are of particular concern to the Council are:
 - 1.1. **Honesty and trustworthiness** – drivers often know that a customer is leaving a house empty; and they have opportunities to defraud drunken, vulnerable or foreign people, or to steal property left behind by passengers in cars. Drivers must not abuse that position of trust.
 - 1.2. **Not abusive** – drivers are often subject to unpleasant or dishonest behaviour. The Council does not expect drivers to retaliate with aggressive or abusive conduct. Drivers are expected to avoid confrontation, de-escalate situations and to tackle disputes through the proper legal channels. They should never take the law into their own hands.
 - 1.3. **Good and safe driving** – Passengers rely on drivers to get them safely to their destination. As such, they should be fully aware of all road-traffic law and relevant licence conditions.

GENERAL PRINCIPLES

1. Within this document, any reference to “conviction” will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.
2. Convictions will not necessarily prevent the issuing or renewing of a licence. In certain circumstances this guidance advises against a licence ever being granted. In all cases, the Council will consider the conviction or behaviour in question and what weight should be attached to it, and each and every case will be determined on its own merits, and in the light of this guidance.
3. Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features.
4. The fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors.
5. In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.
6. Most applicants or licensees will have no convictions and that is clearly the ideal situation. In relation to other people, it is accepted that human beings do make mistakes and lapse in their conduct for a variety of reasons, and it is further

accepted that many learn from experience and do not go on to commit further offences. Accordingly, in many cases an isolated conviction, especially if committed some time ago, may not prevent the issuing of a licence.

7. It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The Council has powers to take action against the holder of all types of licence and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application may lead to that licence being suspended or revoked.
8. Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) may result in a licence being refused, or if already granted, revoked and may result in prosecution or other enforcement action being taken.
9. The direct impact on the public varies depending upon the type of licence applied for or held. However, there are some overriding considerations which will apply in all circumstances:
 - 9.1. Generally, where a person has more than one conviction, this will raise serious questions about their safety and suitability. The Council is looking for safe and suitable individuals, and once a pattern or trend of repeated offending is apparent, a licence may not be granted or renewed;
 - 9.2. Where a person is convicted of an offence which is not detailed in this guidance, the Council will take that conviction into account and use this guidance as an indication of the approach that should be taken, factors that will be considered include:
 - 9.2.1. nature of the offence/conduct/charge;
 - 9.2.2. seriousness of the offence/conduct/charge;
 - 9.2.3. circumstances in which the offence/conduct/charge was committed;
 - 9.2.4. timely notification to the Council of offence/conduct/charge;
 - 9.2.5. circumstances of the individual concerned;
 - 9.2.6. subsequent periods of good behaviour;
 - 9.2.7. overall conviction/behaviour history;
 - 9.2.8. sentence imposed by the court;
 - 9.2.9. any other character factors considered reasonable (e.g. personal references); and

9.2.10. whether the protection of the public may be at risk; and

10. This guidance does not replace the duty of the Council to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by these guidelines, the Council will consider the matter from first principles and determine the fitness and propriety of the relevant person.

Drivers

1. A driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle.
2. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.
3. As stated above, where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a safe and suitable person.
4. In relation to single convictions, the time periods set out in this guidance should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence is granted or renewed.

Private Hire Operators

1. A private hire operator does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the private hire vehicle (except where they are also licensed as a private hire driver). However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others or used by the operator or their employees or contractors for criminal or other unacceptable purposes.
2. As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person.
3. Operators must ensure that any employees or contractors that are used within the business and are able to access any information as described above are subject to the same standards as the operator themselves. This can be effected by means of the individual employees or contractors being required by the operator to obtain a basic DBS certificate. If an operator is found not to be applying the required standards and using employees or contractors that do not meet the Council's overall criteria, that may lead to the operator's licence being revoked.

4. As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to operators as those applied to drivers, which are outlined above.

Vehicle proprietors

1. Vehicle proprietors (both hackney carriage and private hire) have two principal responsibilities.
2. Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times.
3. Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.
4. As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person to be granted or retain a vehicle licence.
5. As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to vehicle proprietors as those applied to drivers, which are outlined above.

SPECIFIC TYPES OF OFFENCE

1. The time periods set out below will apply to applications for licences (new or renewal) and any re-applications following a period of suspension or revocation.

Crimes resulting in death	Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person a licence will not be granted.
Terrorism offences	Where an applicant or licensee has been convicted of terrorism offences or any similar offences, this will give serious concern as to whether the person is fit to carry the public and a licence will not be granted.
Possession of a weapon	Where an applicant or licensee has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.
Offences involving violence	As licensed drivers have close contact with the public, the Council will regard any convictions for violence as serious when deciding whether the applicant or licensee is fit and proper.

	<p>Where an applicant or licensee has a conviction for an offence of violence, or connected with any offence of violence, or an element of the offence is one of threats of violence or actual violence a licence will not be granted until at least ten years have elapsed since the completion of any sentence imposed.</p>
Exploitation	<p>As licensed drivers often carry unaccompanied and vulnerable passengers, applicants or licensees with convictions for exploitation offences will cause concern. All exploitation offences will be considered as serious.</p> <p>Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed.</p> <p>This includes slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.</p>
Sex and indecency offences	<p>As licensed drivers often carry unaccompanied and vulnerable passengers, applicants or licensees with convictions for sexual offences will cause concern. All sexual and indecency offences will be considered as serious.</p> <p>Where an applicant or licensee has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted.</p> <p>In addition to the above, the licensing authority will not grant a licence to any applicant or licensee who is currently on the Sex Offenders Register or on any 'barred' list.</p>
Dishonesty	<p>A licensed driver is expected to be a trustworthy person. They deal with cash transactions and valuable property may be left in their vehicles.</p> <p>The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in licensed drivers.</p> <p>It is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal or agreed fare.</p> <p>Drivers may also deal with customers who are</p>

	<p>vulnerable or intoxicated and potentially easily confused.</p> <p>Licence holders also have access to the names and addresses of their customers and their daily movements.</p> <p>Overseas visitors may not be familiar with the currency or costs of journeys and may be vulnerable to a dishonest driver.</p> <p>Nationally it has been known for drivers to pass information on vulnerable persons to others for later abuse or to abuse vulnerable persons, including taking money from such persons.</p> <p>For all these reasons, a serious view is taken of any conviction involving dishonesty.</p> <p>Where an applicant or licensee has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.</p> <p>The Council will normally refuse a licence if an applicant or licensee has been convicted for more than one dishonesty offence.</p> <p>Applicants or licensees that are found to have intentionally misled the Council, or lied as part of the application process, will normally be refused.</p>
Discrimination	<p>As licensed drivers have close contact with the public, the Council will regard any convictions for discrimination (including hate crimes) as serious when deciding whether the applicant is fit and proper.</p> <p>Where an applicant or licensee has a conviction involving or connected with discrimination in any form (including hate crime), a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.</p>
Drugs	<p>The Council takes a serious view of any drug related offence because taking drugs and driving poses an obvious risk to public safety.</p> <p>Given the ease with which a vehicle can be used to</p>

	<p>assist the supply of drugs, any applicant or licensee who has convictions for the supply of drugs will cause considerable concern.</p> <p>Where an applicant or licensee has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least ten years have elapsed since the completion of any sentence imposed.</p> <p>Where an applicant or licensee has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed.</p> <p>In these circumstances, any applicant or licensee may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.</p> <p>If there is evidence of persistent drugs use, misuse or dependency a specialist medical examination may be required before a licence is granted. If the applicant or licensee is an addict, then they would normally be required to show evidence of five years free from drug taking after detoxification treatment.</p> <p>Any applicant or licensee may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.</p>
<p>Drink driving/driving under the influence of drugs/using a hand-held telephone or hand-held device whilst driving</p>	<p>Where an applicant or licensee has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed.</p> <p>In these circumstances, any applicant or licensee may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.</p> <p>Where an applicant or licensee has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.</p>

<p>Other motoring offences</p>	<p>A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles).</p> <p>Where an applicant or licensee has seven or more points on their DVLA licence for minor traffic or similar offences, a licence will not normally be granted until at least five years have elapsed since the completion of any sentence imposed.</p> <p>A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance.</p> <p>Where an applicant or licensee has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.</p> <p>The seven year period remains in place even when penalty points expire and are removed from the DVLA licence.</p>
<p>Hackney carriage and private hire offences</p>	<p>Where an applicant or licensee has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use), a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.</p>
<p>Vehicle use offences</p>	<p>Where an applicant or licensee has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.</p>
<p>Totting Up</p>	<p>Where an applicant or licensee has 12 or more penalty points on their DVLA licence, the court will normally disqualify them for at least six months under the totting-up rules. These points can be gained from major and minor traffic offences.</p> <p>If the Court allows an 'exceptional hardship' so that they do not disqualify the applicant or licensee the 12 penalty points will remain on the licence.</p>

	Where an applicant or licensee has been, or could have been, disqualified under totting up, a licence will not be granted until at least seven years have elapsed free of convictions.
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MOTORING CONVICTIONS

1. Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public.
2. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously.
3. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence.
4. Subsequent convictions reinforce the fact that the applicant or licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

SPENT CONVICTIONS

1. The Rehabilitation of Offenders Act 1974 says convictions must be regarded as “spent” a certain time after the conviction date. However, when applying for a licence to work in the trade, the Council considers that convictions are always relevant even if they are spent.
2. There is no evidence which can provide precise periods of time which must elapse after a crime before a person can no longer be considered to be at risk of reoffending, but the risk reduces over time. In light of that, the guidance and the suggested timescales below are intended to reduce the risk to the public to an acceptable level.

FRESH CONVICTIONS

1. For licensees who are renewing their licences, convictions which have already been considered by the Council when granting a previous application will not require reconsideration. However, should a fresh DBS certificate reveal a new offence then this will require further consideration.

CONVICTIONS FOR ATTEMPT OR CONSPIRACY

1. Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime.

ONGOING MATTERS

1. In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn.
2. Where an existing licensee is charged, the Council will decide the appropriate action to take in the light of this guidance.

CAUTIONS, FIXED PENALTIES, COMMUNITY RESOLUTIONS AND PENALTY NOTICES

1. The Council will consider all fixed penalties and formal cautions. Cautions may not always be as serious as convictions, but they will give some indication as to character. The Council will bear in mind that a caution is given where there is *sufficient evidence* for a prosecution. An admission of guilt is required before a caution can be issued. Accordingly cautions will be assessed in the same way as a conviction.
2. Fixed penalties and community resolutions will also be considered in the same way as a conviction. This is because payment of a fixed penalty indicates acceptance of guilt, and a community resolution can only be imposed following an admission of guilt.
3. Penalty notices are similar to fixed penalties but are issued for a wide range of offences of an anti-social nature. These include behaviour likely to cause harassment, alarm or distress to others, drunk-and-disorderly behaviour in a public place, destroying or damaging property up to the value of £500, retail theft under £200, sale of alcohol to a person under 18 years of age, selling alcohol to a drunken person or using threatening words or behaviour. The Council will also consider these because they can give an indication of character.

NO CONVICTION

1. It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the Council.

COMPLAINTS

1. Complaints where there was no police involvement can and will be taken into account by the Council.

MITIGATION

1. If a court finds a person has committed an offence, the Council has to accept this at face value so it cannot consider a person's belief that they were not guilty. However, a person can explain to the Council any mitigating factors that led to the offence and where appropriate these will be taken into account.

APPENDIX B: FURTHER GUIDANCE FOR DRIVER LICENCE APPLICATIONS

APPLICATION FORM AND STATUTORY DECLARATION

1. Applicants are expected to act with honesty and integrity throughout the application process and must therefore fully and accurately disclose any information that is relevant or requested. This includes information regarding:
 - 1.1. previous convictions;
 - 1.2. warnings and reprimands;
 - 1.3. arrests;
 - 1.4. current investigations;
 - 1.5. pending criminal proceedings;
 - 1.6. motoring offences;
 - 1.7. penalty points on driving licence;
 - 1.8. pending motoring offences or penalty points on driving licence;
 - 1.9. driving disqualifications;
 - 1.10. speeding fines;
 - 1.11. attendance at courses in lieu of penalty points on driving licence (e.g. speed awareness courses);
 - 1.12. formal or informal cautions;
 - 1.13. fixed penalty notices;
 - 1.14. anti-social behaviour orders; and
 - 1.15. criminal behaviour orders.
2. All types of criminal offences may be relevant. So, the Council takes into account all convictions, regardless of the applicant's age at the time of the offence, sentence or the type of offence.
3. When assessing the fitness of an applicant to hold a driver licence, the Council will consider the applicant's criminal history as a whole, together with all other relevant evidence, information and intelligence including their history (e.g. complaints and positive comments from the public, compliance with licence conditions and willingness to co-operate with the Council and other statutory

authorities) whilst holding a licence from the Council or any other authority.

4. Further guidance on these matters is set out in Appendix A.
5. An individual will not be considered fit and proper to hold a licence if there is any evidence of dishonesty, and/or it can be shown that an applicant or existing licence holder has misled, or attempted to mislead, the Council (either officers or members of the Licensing and Safety Committee) as part of any process associated with the administration or determination of a licence.

DRIVING LICENCE

1. A person applying for a drivers licence must be:
 - 1.1. a minimum of 18 years old; and
 - 1.2. have held a full UK DVLA category B driving licence for at least 1 year at the time of application.
2. EU driving licence holders are required to convert their licence to a UK DVLA driving licence prior to an application being made.
3. A licensee must possess a full driving licence in accordance with the above requirements throughout their licence period.
4. Where a driver has received a ban from driving under their UK DVLA licence they must return their drivers licence, issued by the Council, to the Council within 5 working days.
5. Applicants are required to produce the original of their driving licence, whether it is a photo card or old-style paper licence.
6. A holder of a UK DVLA driving licence must also provide a valid code to enable the Council to carry out an online check of their driving history.
7. All applicants holding driving licenses issued by countries other than the UK or those within the EU/EEA must produce a certificate to show a driving record from the country of issue.
8. If the driving licence was not issued in the UK or EU/EEA then they must comply with the Government requirements on exchanging/applying for a UK DVLA licence prior to an application being made.

RIGHT TO WORK IN THE UK

1. Applicants must provide proof that they have a statutory right to work in the UK. This applies to everyone regardless of where they were born; how long they have lived in the UK and, if they already hold a driver or operator licence, or for how long they have held that licence.

2. Where an applicant that has a limited right to work shall not be issued a licence for a period longer than that limited period.
3. Where an applicant is subject to immigration controls, a licence will not be issued for longer than the period that the applicant has permission to undertake paid employment in the UK.
4. Only certain forms of documentation are acceptable. The list of acceptable documents can be found here:

<https://www.gov.uk/government/publications/right-to-work-checklist>

5. British Citizens are only required to produce their British passport or one of the documents contained in List A of the right to work checklist.
6. If an applicant or licensee has restrictions on their right to work in the UK, they must produce one of the documents in List B on the right to work checklist.
7. Please note that the original document must be provided. The Council will not accept photocopies, scans or photos.
8. If an applicant or licensee does not possess any of the mentioned forms of documentation, they must let the Council know as soon as possible. It is an applicant or licensee's responsibility to make sure that they can provide one of the acceptable forms of documentation, and they should take steps to obtain the necessary documentation.
9. If the documentation an applicant or licensee provides demonstrates that they have a permanent right to work in the UK, they will not be required to produce this on future applications.
10. In all other cases, an applicant or licensee will be required to provide documentation each time they apply to renew their licence. An applicant or licensee may be required to produce this evidence earlier if their right to work in the UK is limited to a shorter period.
11. Please note, that if an applicant or licensee has a visa that confirms their stay in the UK that is attached to an expired passport, this is no longer accepted.

DBS CERTIFICATE

1. A DBS check on a driver is seen as an important safety measure.
2. An enhanced disclosure in relation to the child and adult workforce or other workforce employment position through the DBS is required. These disclosures include details of live and spent convictions, police cautions and other relevant information that indicates that a person poses a risk to public safety.
3. Both hackney carriage and private hire drivers are included as "exceptions" within the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975.

Accordingly, all drivers will be asked to disclose on their application form any caution or conviction even if it is considered spent for other purposes. Applicants should also disclose those matters that will be revealed on the DBS certificate.

4. Where minor cautions and convictions are historic, the Licensing Officers may provide guidance on how they may be treated. Such cautions and convictions are sometimes referred to as “protected”. Where an applicant is unsure about how to progress with an application, they should seek their own independent advice.
5. Applicants and licensees are responsible for meeting the costs of obtaining any DBS certificates required.
6. DBS certificates must either be applied for through the Council or have been issued by another local authority in the UK within the previous four weeks. The Council will also accept DBS certificates for the child and adult workforce or other workforce employment position where the applicant or licensee has registered for the DBS update service.
7. Where a licence is not issued within three months of the date of the DBS certificate, a new DBS certificate will be required.
8. All new applicants and existing licensees renewing their licences are required to register for the DBS update service which enables the Council to carry out future annual checks online and free of charge.

Applicants with periods of residency outside the UK

9. If an applicant was not born in the UK and moved to the UK after they reached 10 years of age, the Council will need to see a certificate to prove that they don't have a criminal record in their country of birth or in any other country that they may have lived in before coming to the UK. If these certificates are not in English, they must be translated by an official translator with a certificate from the official translator.
10. If an applicant has spent six continuous months or more overseas, after the age of 10 years, the Council will need to see evidence of a criminal record check from the country/countries visited covering the period that the applicant was overseas.
11. For EU countries suitable checks should be available.
12. For those countries for which such checks are not available, the Council will require a certificate of good conduct authenticated by the relevant embassy or high commission. Such certificate must be authenticated, translated and sealed by the relevant embassy or high commission.
13. Further guidance can be found here:

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

[overseas-applicants](#)

14. Contact details for Embassies and High Commissions can be found from the Foreign & Commonwealth Office (FCO) on the gov.uk website at:

<https://www.gov.uk/government/world>.

15. Where an existing licence is reviewed, the Council may require the licence holder to complete a further enhanced DBS check. Where a licence holder refuses, the matter may be referred to the Licensing and Safety Committee and this may be taken into consideration in determining their continuing fitness to hold a licence.

MEDICAL

1. The Council recognises that licensed drivers should have more stringent medical standards than those applicable to normal car drivers because they carry members of the public who have expectations of a safe journey; they are on the road for longer hours than most car drivers and they may have to assist disabled passengers and handle luggage.
2. Any medical examinations that are required to be undertaken by an applicant or licensed driver will be at that persons expense.
3. All applicants for a driver licence are required to undertake a medical examination on initial application, at defined intervals thereafter and at any other such time as the Council may reasonably require to ensure their fitness to drive.
4. Holders of public service vehicle and/or large goods vehicle licenses, where the holder is able to produce proof of driving entitlement, shall not be required to undergo a medical examination whilst they hold such licences.
5. The standards required are set out in the DVLA publication 'At a Glance Guide to the Current Medical Standards of Fitness to Drive'. The standards are amended from time to time and can be found online at:

<https://www.gov.uk/government/publications/at-a-glance>

6. The standard required by the Council is the 'Group 2 Entitlement'.
7. All new applicants must undertake the medical examination and provide a satisfactory medical certificate before a licence is issued for the first time and thereafter every 3 years in line with a renewal application.
8. The medical must be filled out on the Council's medical form (available on request from the Council). The medical must be carried out either by the applicant's own GP or by a medical practitioner that can gain access to that individual's full medical history. Any other medical will not be accepted.
9. The medical cannot be more than 3 months old at the time the licence is issued.

It is therefore advisable to wait until the rest of the application process is complete before making arrangements for your medical.

10. All licensed drivers aged 60 and over must undertake a medical examination annually and produce the report to the Council.
11. Failure to do so may result in a licence being suspended or revoked.
12. The Council may also require drivers to undertake more regular medicals if their medical condition warrants it. In particular, applicants must consider the medical conditions listed in the current DVLA publication 'At a Glance Guide to the Current Medical Standards of Fitness to Drive'), as the Council may refuse to grant an application or revoke an existing licence where an applicant is unable to meet the nationally recommended guidelines in respect of the listed medical conditions.
13. In addition, if there is reason to suspect alcohol/drugs misuse or dependency, a specialist medical examination and report may be required to ensure that the applicant or licensee meets the DVLA Group 2 medical standards in relation to alcohol/drugs misuse and dependency.
14. If, once licensed, the driver's medical circumstances change during the licence period, the driver must inform the Council within 5 working days. The Council may require the driver to immediately undertake a further medical examination and provide an approved medical certificate confirming the outcome of this examination and the driver's fitness (or otherwise) to continue as a licensed driver.
15. Where the Council has reason to believe that a licensed driver has a medical condition that renders them unfit to drive, a further medical examination will be requested. The cost of the further medical examination will be met by the licensed driver.
16. With respect to current licence holders, if it is deemed necessary to do so, a licence may be revoked or suspended in the interests of protecting the public until further medical examination(s) has/have been carried out or if the licence holder is unable to demonstrate that they are medically fit to hold a drivers licence.

Medical Exemptions

17. Medical exemptions involving the carriage of disabled persons and assistance dogs may apply to new applicants or licensed drivers who suffer from certain medical conditions. Where this is the case, the applicant or licensed driver must provide sufficient proof from their GP, or independent medical specialist, confirming that the exemption is required in order for the driver to carry out their duties.
18. The Council reserves the right to refuse to grant an exemption if sufficient medical proof is not provided and it is deemed appropriate to do so. Examples

of sufficient proof include results of blood tests, skin tests and evidence of the individual's clinical history.

DRIVING ASSESSMENT

1. Applicants for the grant of new driver licenses will be required to present a certificate from one of the Council's approved driving assessors for an assessment for taxi and private hire drivers. A list of approved assessors is available on request from the Council.
2. An existing licensed driver may be required to undertake such an assessment in certain circumstances, namely:
 - 2.1. obtaining 9 or more penalty points on their UKDVLA driving license;
 - 2.2. one serious or three minor fault accidents within a one-year period; and
 - 2.3. serious complaint(s) about driving standards.
3. This list is not exhaustive and there may be other reasons for requiring an existing licensed driver to undertake an assessment. In all instances, a driver will receive a letter explaining the reasons for requiring an assessment.
4. If a currently licensed driver does not comply with the request for an assessment, the matter may be referred to the Licensing and Safety Committee for consideration of whether the driver remains fit and proper to hold a licence.

KNOWLEDGE TEST

1. All new applicants for a driver licence will need to pass the Council's knowledge test.
2. This is an assessment based on:
 - 2.1. the conditions of licence for a private hire driver or hackney carriage driver (as appropriate);
 - 2.2. the byelaws for a hackney carriage driver (if applicable);
 - 2.3. the highway code;
 - 2.4. hackney carriage and private hire vehicle licensing legislation;
 - 2.5. the Council's code of conduct;
 - 2.6. safeguarding and child sexual exploitation awareness;
 - 2.7. disability awareness;
 - 2.8. local area knowledge; and

2.9. working out fares and giving change.

3. Applicants will be permitted to sit the assessment a maximum of three times and if it is not passed within this time, will be required to wait for 12 months before re-taking the assessment. The 12 months will start from the date of the third failed test.
4. A 85% pass mark is required and failure to answer certain fundamental questions correctly will result in an automatic failure of the whole test.
5. Feedback on an applicant's performance on the test can be requested and copies of each test will be retained on the applicant's file. Copies of the completed test will not be released to applicants.
6. The relevant conditions of licence and the list of local buildings and local routes are available on request from the Council.
7. Where an applicant fails the knowledge test there is an additional fee for every subsequent test (irrespective of whether the applicant actually sits the test). Once an appointment has been allocated for the test, the applicant must give 2 clear working days' notice to cancel an appointment otherwise they will be required to pay the test fee.
8. If an applicant requires any reasonable adjustments to be made as a result of a disability or otherwise in order to take the test they should make the Council aware and suitable arrangements can be put in place.
9. Normal examination conditions will apply during the knowledge test. Any person found to be using unfair means during the test will be excluded from the test (and the test will be deemed a fail). They will be required to take a fresh test and pay the appropriate fee. This may also affect their fitness and propriety to be granted a licence.
10. The holder of a driver's licence may be required to satisfactorily undertake a further knowledge test or tests at the request of the Council (e.g. as a result of enforcement action being taken).

LANGUAGE TEST

1. Applicants must be able to converse orally and in writing in English to a standard that would be reasonably expected of a person undertaking a role as a hackney carriage or private hire driver. Applicants must provide a certificate of competence from a training provider approved by the Council.
2. Applicants will be permitted to sit the assessment a maximum of three times and if it is not passed within this time, will be required to wait for 12 months before re-taking the assessment. The 12 months will start from the date of the third failed test.

3. If an applicant cannot satisfy the Council that their standard of English is suitable then the application may be referred to the Licensing and Safety Committee for consideration.

SAFEGUARDING AND CHILD SEXUAL EXPLOITATION AWARENESS

1. Drivers are on the frontline, often coming into contact with people who may be vulnerable, for example because they are young, have learning difficulties, be suffering ill health, or be elderly or who have drunk to excess on a night out, or who may have taken an illegal substance. Such persons may be travelling alone or accompanied by another person.
2. Sadly, there are persons who prey on precisely these people and drivers are often best placed to raise concerns over what they hear or see occurring whilst in their vehicles. Drivers may also have concerns over the vulnerability of passengers who are being dropped off at locations in or out of the Borough. For example, drivers in other authorities have reported concerns that young persons are being dropped off at a particular guest house, hotel or house and are either distressed before being dropped off or after they have been picked up as a fare paying passenger.
3. As such, new driver applications must complete a safeguarding and child sexual exploitation course, with a training provider approved by the Council, before the licence can be granted.
4. Existing drivers must complete a safeguarding and child sexual exploitation course, with a training provider approved by the Council, before their next licence renewal.
5. Licensed drivers will then be required to undertake a safeguarding and child sexual exploitation course every 3 years, with a training provider approved by the Council, from the anniversary of the date they took the initial course.

DISABILITY AWARENESS

1. Drivers of wheelchair accessible vehicles are required to undertake specific training in disability awareness and how to safely load, secure and unload wheelchair passengers.
2. This training is to ensure the safety of both the driver and the passenger when a passenger in a wheelchair wishes to undertake a journey in an accessible vehicle.
3. This training is to be carried out at the driver's expense with a training provider approved by the Council. A pass certificate must be presented to the Council within three months of a driver acquiring a wheelchair accessible vehicle.
4. If a currently licensed driver does not present a pass certificate to the Council, the matter will be referred to the Licensing and Safety Committee for consideration of whether the driver remains fit and proper to hold a licence.

APPENDIX C: HACKNEY CARRIAGE VEHICLE SPECIFICATIONS

1. Vehicles that are licensed at the time this Policy is adopted (whether they are wheelchair accessible or not) may continue to be licensed until either:
 - 1.1. they fail the Council's mechanical compliance test at which point it will cease to be suitable for licensing; or
 - 1.2. they reach the maximum age of 10 years,whichever is soonest.
2. Any replacement or renewal of vehicles must be new wheelchair accessible vehicles, save that current holders of hackney carriage vehicle licenses for non-wheelchair accessible vehicles (i.e. saloons, hatchbacks and estates) will continue to benefit from existing grandfather rights allowing them to replace their current vehicle, either during the licence period or at the expiry date of the licence, with another non-wheelchair accessible vehicle (this saving provision applies to plates 1 to 50 where such plates have been issued prior to the date of adoption of this Policy).
3. All non-wheelchair accessible vehicles replaced prior to 1st March 2024 will not be licensed if over three years of age.
4. When a vehicle licence is granted and the plates are issued, the maximum number of passenger seats that the vehicle will be licensed to carry will be the maximum number of seats, as detailed in the vehicle specification, less the number of wheelchairs that can be carried in the vehicle.

SPECIFICATIONS

1. Vehicles must seat not less than four (4) or more than eight (8) passengers (not including the driver) and:
 - 1.1. be a "Light Passenger Vehicle" as defined by Section 85 of the Road Traffic Act 1988 and have a minimum of 4 wheels. Unless already licensed at the implementation of this Policy, vehicles converted from being light goods vehicles (registered under the N1 tax classification) to being passenger carrying vehicles will not be considered suitable for licensing;
 - 1.2. to be licensed as a hackney carriage the vehicle must be white in colour with black and white chequered stripes on the side.
 - 1.3. vehicles presented to be licensed as a hackney carriage for the first time must be wheelchair accessible. They may be purpose built 'London-type' taxis, or specifically converted from a passenger carrying vehicle with no wheelchair access to a passenger carrying vehicle that can carry a

passenger in their wheelchair (typically known as an M1 conversion). Converted vehicles must provide an appropriate certificate to prove the conversion has been carried out to the required standard (European-wide type approval);

- 1.4. be fitted with a taximeter, calibrated to the Council's Tariff;
- 1.5. be fitted with an illuminated roof sign;
- 1.6. provide sufficient means by which any person in the carriage may communicate with the driver;
- 1.7. all paintwork must be maintained in a uniform colour and free from dents, scratches or rust;
- 1.8. have a watertight roof or covering;
- 1.9. provide at least two windows on each side of the vehicle of which one window on one side must have a means of opening/closing;
- 1.10. have fitted rear passenger windows that are not heavily tinted or blacked out and will allow a minimum of 35% transmission of light (tolerance of 2%) and must comply with the Road Vehicles (Construction & Use) Regulations 1986;
- 1.11. have seats that are properly cushioned and covered;
- 1.12. have a floor provided with a proper carpet, mat, or other suitable covering;
- 1.13. have fittings and furniture in a clean condition and be well maintained and in every way fit for public service;
- 1.14. provide means for securing luggage if the carriage is so constructed as to carry luggage;
- 1.15. be fitted with an anti-lock braking system;
- 1.16. where tilting passenger seats are fitted (except where these are part of the manufacturer's original vehicle specification), the seat must:
 - 1.16.1. be forward facing (except for the fold down seats fitted onto the bulkhead/partition of a purpose-built hackney carriage);
 - 1.16.2. be designed for use by an adult;
 - 1.16.3. have a 3-point seatbelt - as specified in the Road Vehicle (Construction and Use) Regulations 1986.
- 1.17. have a minimum of four passenger doors, which may include the rear tailgate doors if they can be opened from inside the vehicle, including an

entry/exit point for the driver;

- 1.18. be always maintained in a sound mechanical and structural condition;
 - 1.19. have a full size spare wheel or space saver design wheel and the tools to change a wheel OR an emergency puncture repair kit OR carry details of their current contract with a mobile tyre, replacement specialist (in any event where a spare wheel or puncture repair kit has been used, it is only to permit the current fare to be completed and any defective wheel must be replaced before taking another fare to ensure passenger safety); all pneumatic tyres, including the spare, must comply with the vehicle manufacturer's specification and any relevant legislation;
 - 1.20. be always maintained in a clean and safe condition from both exterior and interior perspectives;
 - 1.21. vehicles should have no damage affecting the structural safety of the vehicle and must not have been written off for insurance purposes;
 - 1.22. minibuses and Multi-Purpose Vehicles (MPVs) must have a step fitted to assist passenger access through all rear passenger doors.
2. Proprietors are always encouraged to have provision for the legal transportation of a minimum of one wheelchair.

TAXIMETERS

1. Taximeters must be:
 - 1.1. certified by a recognised body in accordance with the Measuring Instruments Directive (MID) (2004/22/EC), in particular Annex 007; fitted with a device, the use/action of which will bring the taximeter into action and cause the word 'HIRED' to appear on the face of the taximeter and such a device must be capable of being locked in a position such that the machinery of the taximeter is not in action or switched off and that no fare is recorded on the face of the taximeter;
 - 1.2. calibrated against an appropriate standard to ensure the tariff charged does not exceed the Tariff determined by the Council;
 - 1.3. calendar and time controlled;
 - 1.4. fixed to the vehicle with appropriate seals/appliances, where possible, to prevent any person from tampering with the meter except by breaking, damaging, or permanently displacing the seals/appliances; and
 - 1.5. have the word 'FARE' printed on the face of the meter in plain letters so as clearly to apply to the fare recorded thereon;

WHEELCHAIR ACCESSIBLE VEHICLES

1. Wheelchair Accessible Vehicles must:
 - 1.1. be able to accommodate at least one wheelchair using passenger;
 - 1.2. have a designated space capable of accepting a wheelchair of at least 1200mm by 700mm (measured front to back and side to side) with a minimum headroom of 1350mm measured from the floor of the vehicle for each passenger who uses a wheelchair. The space(s) shall be immediately adjacent to a vehicle door which is fitted with wheelchair access equipment so that the passenger using a wheelchair can board the vehicle and use the anchoring equipment with the minimum of manoeuvring;
 - 1.3. be configured to enable wheelchairs to be loaded from either the side or the rear of the vehicle;
 - 1.4. contain a system for the effective anchoring of wheelchairs must be provided such that they only face forwards or rearwards when the vehicle is in motion;
 - 1.5. have a suitable restraint available to the occupant of the wheelchair;
 - 1.6. have a ramp or ramps, or other approved lifting device present and available for use to enable the safe loading and unloading of any passenger using a wheelchair, and be capable of supporting a wheelchair, occupant and helper. When deployed ramps must run flush with the vehicles interior floor level; and
 - 1.7. if fitted with any lifting device be regularly tested in accordance with any applicable health and safety regulations for such devices and maintained in good working order.

APPENDIX D: PRIVATE HIRE VEHICLE SPECIFICATIONS

1. Vehicles that are licensed at the time this Policy is adopted (whether they are wheelchair accessible or not) may continue to be licensed until either:
 - 1.1. they fail the Council's mechanical compliance test at which point it will cease to be suitable for licensing; or
 - 1.2. they reach the maximum age of 10 years,whichever is soonest.
2. Any replacement or renewal of vehicles prior to 1st January 2022 will not be licensed if over five years of age.
3. From 1st January 2022 any vehicles must be less than three years old on first application for a vehicle licence.
4. Vehicles (electric or otherwise) are capable of being licensed for 10 years (from the date of first registration or, if imported, from the date of manufacture), however once the vehicle is over six years old, the licence must be renewed every six months.
5. When a vehicle licence is granted and the plates are issued, the maximum number of passenger seats that the vehicle will be licensed to carry will be the maximum number of seats, as detailed in the vehicle specification, less the number of wheelchairs that can be carried in the vehicle.

SPECIFICATIONS

1. Vehicles must seat not less than four (4) or more than eight (8) passengers (not including the driver) and:
 - 1.1. be a "Light Passenger Vehicle" as defined by Section 85 of the Road Traffic Act 1988 and have a minimum of 4 wheels. Unless already licensed at the implementation of this Policy, vehicles converted from being light goods vehicles (registered under the N1 tax classification) to being passenger carrying vehicles will not generally be considered suitable for licensing;
 - 1.2. it must not be of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
 - 1.3. vehicles presented to be licensed for private hire for the first time are encouraged to be wheelchair accessible but they do not have to be. Where the vehicles are wheelchair accessible they may be purpose built or specifically converted from a passenger carrying vehicle with no wheelchair access to a passenger carrying vehicle that can carry a

passenger in their wheelchair (typically known as an M1 conversion). Converted vehicles must provide an appropriate certificate to prove the conversion has been carried out to the required standard (European-wide type approval);

- 1.4. provide sufficient means by which any person in the carriage may communicate with the driver;
- 1.5. all paintwork must be maintained in a uniform colour and free from dents, scratches or rust;
- 1.6. have a watertight roof or covering;
- 1.7. provide at least two windows on each side of the vehicle of which one window on one side must have a means of opening/closing;
- 1.8. have fitted rear passenger windows that are not heavily tinted or blacked out and will allow a minimum of 35% transmission of light (tolerance of 2%) and must comply with the Road Vehicles (Construction & Use) Regulations 1986;
- 1.9. have seats that are properly cushioned and covered;
- 1.10. have a floor provided with a proper carpet, mat, or other suitable covering;
- 1.11. have fittings and furniture in a clean condition and be well maintained and in every way fit for public service;
- 1.12. provide means for securing luggage if the carriage is so constructed as to carry luggage;
- 1.13. be fitted with an anti-lock braking system;
- 1.14. have a minimum of four passenger doors, which may include the rear tailgate doors if they can be opened from inside the vehicle, including an entry/exit point for the driver;
- 1.15. be always maintained in a sound mechanical and structural condition;
- 1.16. have a full size spare wheel or space saver design wheel and the tools to change a wheel OR an emergency puncture repair kit OR carry details of their current contract with a mobile tyre, replacement specialist (in any event where a spare wheel or puncture repair kit has been used, it is only to permit the current fare to be completed and any defective wheel must be replaced before taking another fare to ensure passenger safety); all pneumatic tyres, including the spare, must comply with the vehicle manufacturer's specification and any relevant legislation;
- 1.17. be always maintained in a clean and safe condition from both exterior and interior perspectives;

- 1.18. vehicles should have no damage affecting the structural safety of the vehicle and must not have been written off for insurance purposes;
 - 1.19. minibuses and Multi-Purpose Vehicles (MPVs) must have a step fitted to assist passenger access through all rear passenger doors.
2. Proprietors are always encouraged to have provision for the legal transportation of a minimum of one wheelchair.

WHEELCHAIR ACCESSIBLE VEHICLES

2. Wheelchair Accessible Vehicles must:
 - 2.1. be able to accommodate at least one wheelchair using passenger;
 - 2.2. have a designated space capable of accepting a wheelchair of at least 1200mm by 700mm (measured front to back and side to side) with a minimum headroom of 1350mm measured from the floor of the vehicle for each passenger who uses a wheelchair. The space(s) shall be immediately adjacent to a vehicle door which is fitted with wheelchair access equipment so that the passenger using a wheelchair can board the vehicle and use the anchoring equipment with the minimum of manoeuvring;
 - 2.3. be configured to enable wheelchairs to be loaded from either the side or the rear of the vehicle;
 - 2.4. contain a system for the effective anchoring of wheelchairs must be provided such that they only face forwards or rearwards when the vehicle is in motion;
 - 2.5. have a suitable restraint available to the occupant of the wheelchair;
 - 2.6. have a ramp or ramps, or other approved lifting device present and available for use to enable the safe loading and unloading of any passenger using a wheelchair, and be capable of supporting a wheelchair, occupant and helper. When deployed ramps must run flush with the vehicles interior floor level; and
 - 2.7. if fitted with any lifting device be regularly tested in accordance with any applicable health and safety regulations for such devices and maintained in good working order.

LIMOUSINES, NOVELTY VEHICLES AND VINTAGE VEHICLES

1. For the purpose of licensing a limousine is described as a luxurious vehicle that has been stretched by the insertion of an additional section not exceeding 3048 millimetres to extend the length of the vehicle.
2. The vehicle shall be capable of carrying up to, but not exceeding, eight

passengers. Applicants are directed towards the VOSA (now DVSA) 'Guidance for Operators of Stretch Limousines' (March 2011).

3. Limousines may be licensed by the Council however the over-riding consideration will be the safety of the vehicle. Such types of vehicle will only be licensed as private hire vehicles. If additional documents are requested to ascertain the safety of the vehicle these will be required to be provided to the Council prior to any vehicle licence being issued. Such documents will be in original form or as copies certified by the vehicle builder (uncertified photocopies will not be accepted). Any vehicle licence issued may be subject to additional conditions. These requirements are in addition to the documents required and the conditions applicable to standard private hire vehicle licensing. Proprietors may also submit an application for a Private Hire Vehicle Exemption Certificate.
4. The following additional documentation must be produced prior to licensing of a limousine:
 - 4.1. Evidence of compliance through the Individual Vehicle Approval Scheme (IVA) or a Qualified Vehicle Modifier (QVM) certificate; this is issued by the vehicle builder.
 - 4.2. Public Liability Insurance documentation for a minimum of £5,000,000 and, where drivers other than the proprietor are used, Employer Liability Insurance documentation for a minimum of £10,000,000.
 - 4.3. Documentation recording the overall weight of the vehicle (as displayed on the vehicle).
5. In addition to stretched limousines, novelty vehicles, e.g. fire engines, and vintage vehicles may also be considered for licensing. Such vehicles do not have to comply with the European Emission Standards or the New Car Assessment Programme rating but will be dealt with on a case by case basis and referred to the Licensing and Safety Committee for determination.

PRIVATE HIRE VEHICLE EXEMPTION CERTIFICATES

1. The Local Government (Miscellaneous Provisions) Act 1976 prohibits a licensed private hire vehicle being used without the identification plate issued by the Council being displayed upon the vehicle. It also provides that the driver of said vehicle must wear their identity badge at all times they are driving it.
2. The legislation allows the Council to attach conditions to a private hire vehicle licence including the displaying of door signs upon the vehicle, colour of the vehicle and level tint permitted in the windows. A proprietor can request to be exempt from displaying the vehicle licence plates and wearing the drivers badge, and also to be exempt from conditions attached to private hire vehicle licenses such as those detailed above.
3. The Council may issue a written notice (referred to here as a Private Hire Vehicle Exemption certificate) that exempts the proprietor of the vehicle from having to

display the identification plates. The Private Hire Vehicle Exemption certificate can be used to exempt a vehicle from displaying plates at specific times or can give a blanket exemption. If the Council issues a Private Hire Vehicle Exemption certificate, then the legislation provides that the driver of said vehicle does not have to wear their drivers badge.

4. The legislation is silent on the reasons why a Council may choose to grant such an exemption to not display signs, plates and the drivers badge or to comply with certain conditions.
5. There are currently a small number of local operators that benefit from a Private Hire Vehicle Exemption certificate and the Council's starting position is that a Private Hire Vehicle Exemption certificate will only be granted in very limited circumstances.
6. While there is a standard process for requesting and determining a Private Hire Vehicle Exemption certificate, there is an absence of criteria within the legislation to provide guidance on when an exemption should be granted. The Council considers that a reason for granting a Private Hire Vehicle Exemption certificate includes, but is not limited to, security concerns for high profile clients. Where appropriate, the Council will request documentary evidence to support an application for a Private Hire Vehicle Exemption certificate.
7. Use of the vehicle outside of the exemption is permitted by the legislation provided door signs and licence plates are reapplied. However if a vehicle has been granted a Private Hire Vehicle Exemption certificate that restricts the use of the vehicle to contract work only then a condition will be placed on the vehicle licence that it may not be used for 'general private hire bookings' such as a trip to the shops or home from a restaurant.
8. All exempted vehicles must carry their licence plates and the Private Hire Vehicle Exemption certificate in the boot of the vehicle at all times and produce them to the Council or the Police upon request.
9. There is a prohibition on private hire vehicles being white or a similar colour. Vehicles that benefit from a Private Hire Vehicle Exemption certificate will be exempt from this condition and may be any colour.
10. If a proprietor of an exempted vehicle applies to transfer it to another person then that person will also have to apply for a new Private Hire Vehicle Exemption certificate. Private Hire Vehicle Exemption certificates cannot be transferred from one person to another, or from one vehicle to another.

APPENDIX E: VEHICLE EMISSIONS

1. In order to reduce emissions, it is important to set standards that are common to all licensed vehicles to ensure consistency and a level playing field for proprietors, operators and drivers.
2. The exhaust emission standard is critical to the level of pollutants emitted. To improve air quality and reduce emissions, standards relating to exhaust emissions will be introduced as follows:

2.1. From 1 March 2021

- 2.1.1. Any new application for a hackney carriage vehicle which is to be licensed for the first time will need to be a white wheelchair accessible vehicle (subject to grandfathering rights) and must be new ultra-low emission or zero emission capable. This is defined as a vehicle emitting less than 50gCO₂/km and capable of travelling at least 70 miles without emissions at all.
- 2.1.2. These vehicles are capable of being licensed for 14 years, however once the vehicle is over seven years old, the licence must be renewed every six months.

2.2. From 1 January 2022

- 2.2.1. All new and existing private hire vehicles will need to be up to three years old Euro 4 petrol or Euro 6 diesel engines. These vehicles are capable of being licensed for 10 years, however once the vehicle is over six years old, the licence must be renewed every six months.

2.3. From 1 March 2024

2.3.1. Existing Wheelchair Accessible vehicles

- a) All new and existing or replacement wheelchair accessible hackney carriage vehicles must be new, white in colour, wheelchair accessible vehicles and must be new ultra-low emission or zero emission capable. This is defined as a vehicle emitting less than 50gCO₂/km and capable of travelling at least 70 miles without emissions at all.
- b) These vehicles are capable of being licensed for 14 years, however once the vehicle is over seven years old, the licence must be renewed every six months.
- c) Any replacement of existing wheelchair accessible vehicles prior to 1 March 2024 must be new, white in colour and wheelchair accessible.

2.3.2. Saloon Hackney Carriage Vehicles

- a) All existing or replacement saloon hackney carriage vehicles must be new, white in colour, and must be new ultra-low emission or zero emission capable. This is defined as a vehicle emitting less than 50gCO₂/km and capable of travelling at least 70 miles without emissions at all.
- b) These vehicles are capable of being licensed for 14 years, however once the vehicle is over seven years old, the licence must be renewed every six months.
- c) Any replacement of existing saloon vehicles prior to 1 March 2024 must be white in colour.

APPENDIX F: PENALTY POINTS SCHEME

1. Ticks indicate likely recipients of penalty points for infringements but are not limited to those recipients only.
2. Certain infringements may result in drivers and/or proprietors and/or operators all receiving penalty points.
3. Penalty points may be awarded to one or several persons depending upon the circumstances of the infringement.

	Details of the infringement	Max Penalty Points	Driver	Vehicle Owner or Operator
1.	Providing false or misleading information on licence application form/failing to provide relevant information	12	✓	✓
2.	Failure to notify, in writing, the Council of a change of address within 5 working days.	8	✓	✓
3.	Refusal to accept hiring without reasonable cause	10	✓	✓
4.	Unreasonable prolongation of journeys or any misconduct regarding the charging of fares	10	✓	
5.	Plying for hire by private hire drivers or hackney carriage drivers plying for hire outside the borough	12	✓	✓
6.	Private hire vehicle parking or waiting on a taxi rank	9	✓	✓
7.	Inappropriate behaviour at a taxi rank	12	✓	✓
8.	Leaving a taxi unattended at a rank	7	✓	
9.	Using unlicensed vehicle or using a licensed vehicle without insurance or without a valid MOT	12	✓	✓
10.	Failure to produce relevant documents within timescales when requested by the Council (e.g. insurance or MOT certificates)	8	✓	✓
11.	Unsatisfactory condition of vehicle, interior or exterior	8	✓	✓
12.	Failure to arrange hackney carriage or private hire vehicle for re-testing when required	8		✓

	Details of the infringement	Max Penalty Points	Driver	Vehicle Owner or Operator
13.	Using a vehicle subject to a suspension order issued by the Council or the Police	12	✓	✓
14.	Using a vehicle for which the licence has been suspended or revoked	12	✓	✓
15.	Failure to report, in writing, within 72 hours, accident or damage to licensed vehicle	8	✓	✓
16.	Carrying more passengers than stated on the vehicle licence	12	✓	
17.	Failure to display external licence plate in a fixed position	12	✓	✓
18.	Carrying an offensive weapon in the vehicle	12	✓	
19.	Failure to notify a transfer of private hire or hackney carriage vehicle licence within 14 days of transfer	6		✓
20.	Failure to carry fire extinguisher	6		✓
21.	Failure to carry first aid kit	6		✓
22.	Displaying unsuitable or inappropriate sited signs or unauthorised advertisements in or on the vehicle	6	✓	✓
23.	Failure to use authorised roof light	6	✓	✓
24.	Failure to maintain records in a suitable form of the hours and times of work of each driver each day	4		✓
25.	Failure to produce on request records of drivers' work activity	4		✓
26.	Using a non-approved or non-calibrated taximeter (hackney carriage only)	12	✓	✓
27.	Obstruction of a Council officer or police officer wishing to examine a licensed vehicle	12	✓	✓
28.	Evidence of smoking in a vehicle	8	✓	✓
29.	Displaying any feature on private hire vehicle that may suggest that it is a hackney carriage	10	✓	✓
30.	Using a vehicle, the appearance of which suggests that it is a taxi	12	✓	✓
31.	Failure to carry an assistance dog without requisite medical exemption certificate	12	✓	✓
32.	Driver not holding a current DVLA	12	✓	✓

	Details of the infringement	Max Penalty Points	Driver	Vehicle Owner or Operator
	license			
33.	Failure to have the driver's badge clearly displayed on their person and in the vehicle as required by the Code of Conduct	6	✓	
34.	Failure to notify, in writing, a change in medical circumstances within 5 working days	6	✓	✓
35.	Failure to comply with the Council's dress standards	4	✓	
36.	Failure to observe rank discipline (hackney carriage only)	3	✓	
37.	Failure to maintain proper records of private hire vehicles	3		✓
38.	Failure to keep or produce records of private hire bookings	8		✓
39.	Failure to notify, in writing, change in details of operator working for within 5 working days	6	✓	
40.	Misleading use of the words 'Taxi' or 'Cab' on advertising materials	6		✓
41.	Failure to issue receipt on request	6	✓	✓
42.	Using a licensed vehicle in a dangerous condition	12	✓	✓
43.	Failure to return vehicle licence plate within 5 working days following expiry, notice of revocation or notice of suspension of such license	8		✓
44.	Unsatisfactory behaviour or conduct of a driver.	12	✓	
45.	Failure to notify the Council in writing, of any motoring or criminal convictions within 72 hours or conviction or cautions during period of current licence	8	✓	✓
46.	Failure to behave in a civil and orderly manner or bringing the trade into disrepute.	12	✓	✓
47.	Failure to provide reasonable assistance to a passenger	2	✓	✓
48.	Failure to display a correct up to date fare card (hackney carriage only)	8	✓	✓
49.	Carrying two or more separate fares without the appropriate passenger's consent	9	✓	

	Details of the infringement	Max Penalty Points	Driver	Vehicle Owner or Operator
50.	Failure to carry a legal spare wheel (or appropriate alternative) and the necessary tools to fit the spare wheel	6	✓	✓
51.	Failure to attend punctually at appointed time and place without sufficient cause. This includes application appointments	4	✓	✓
52.	A licensed vehicle with a bald or dangerous or defective tyre	4 per tyre	✓	✓
53.	Failure to submit licence renewal application including documents and attendance at a vehicle inspection	6	✓	✓
54.	Use of a vehicle without a valid compliance certificate	12	✓	✓
55.	Waiting or stopping on a double yellow area, bus stop or private land (without the owner's permission) unless requested by a paying customer present in the vehicle	4	✓	
56.	Driving whilst using a mobile phone	12	✓	
57.	Using vehicle horn otherwise than in accordance with the Highway Code	8	✓	

APPENDIX G: SUPPORTING DOCUMENTS

1. The following documents are available on request from Rugby Borough Council or copies can be found on Rugby Borough Council's website:
 - 1.1. Byelaws relating to Hackney Carriage Vehicles and Proprietors
 - 1.2. Hackney Carriage Standard Conditions
 - 1.3. Private Hire Vehicle Standard Conditions
 - 1.4. Private Hire Vehicle Additional Conditions (Trailer)
 - 1.5. Private Hire Vehicle Additional Conditions (Private Hire Exemption Certificates)
 - 1.6. Private Hire Vehicle Additional Conditions (Limousine)
 - 1.7. Private Hire Operator Standard Conditions
 - 1.8. Code of Conduct
 - 1.9. Guidance on Child Sexual Exploitation and Safeguarding
 - 1.10. Hackney Carriage and Private Hire Inspection Form
 - 1.11. Rugby Borough Council Inspection Standards
 - 1.12. Approved List of Multi-Purpose Vehicles
 - 1.13. Application Form for Dual Driver Licence
 - 1.14. Application Form for Hackney Carriage Driver Licence
 - 1.15. Application Form for Hackney Carriage Vehicle Licence
 - 1.16. Application Form for Private Hire Driver Licence
 - 1.17. Application Form for Private Hire Vehicle Licence
 - 1.18. Application Form for Private Hire Operator Licence
 - 1.19. Medical Form
 - 1.20. Approved List of Training and Assessment Providers
 - 1.21. List of Local Buildings and Local Routes

Review of Tax Licensing Policy – Consultation Questionnaire Responses

Consultation response	How it was dealt with by the Council	Whether policy was changed as a result
"I cannot see anything relating to a driver losing his DVLA licence as is the case in the current policy".	This was already in the policy.	N/A
Surprise shown at significant increase in suspensions (minor 1 to 5 years and major from 2 to 7 years)		
Policy text correction re 7.1 Application Process refers to 'private hire and hackney carriage vehicles is set out in Appendix H'. Respondent states "Appendix E is for hackneys. I also need to understand 12.17 page 41, also the plans for introducing electric vehicles."	Plans for introducing electric vehicles is already explained in the policy	N/A
Issue raised with traffic lights at top of Sheep Street and on Railway Terrace. Poor driving coupled with bad traffic management are the main cause for pollution. Cannot afford electric vehicles. A 'kerb on house building' would help.	WCC deal with road maintenance.	N/A
Agreed with new policy and said should have new diesel and petrol cars to avoid pollution.	N/A	N/A
No comments to make.	N/A	N/A
Agree with Council that there should be a move towards electric vehicles although "it could be difficult for me but for the better future I will do".	N/A	N/A
Feedback on how their small private hire; all cars are diesel, no radio base, drivers based from home and part-time, chauffeurs in smart dress, not taxi drivers, jobs booked via email well in advance, no 'hanging around' on the streets for work, majority of runs are long distance. Of electric vehicles "It has come as a great relief that we haven't had to change to them yet. The expense would cripple everyone".	N/A	N/A
Request that any further action regarding introduction of the policy is deferred until a meeting is held between the trade reps, council senior management and appropriate councillors. Concerns listed:	Contact was made and the consultee was asked to clarify their concerns, were	No response was received so no changes made.

Page	Paragraph	Page	Paragraph			
41	12.7	24	7.13/14		they happy or not with the stated paragraphs.	
16	6.8	25	8.11			
10	5	30	12.2			
15	6.6	38	12.14			
18	6.10	45	12.23			
107		49/50	12.30			
20	7.1	62	24			
21	7.3					
<p>Plus various issues which need to be discussed. We are unaware of any such consultation other than a trade meeting held by the council on 12.03.19 for which no minutes have been issued even though assurances were given that they would be and I wrote to the council about my concerns about the style and was given various assurances.</p>						
<p>On the RBC website the ability to make representations appeared for only ¾ weeks and not the full 12 weeks. There should be consistency with the consultation being in the public domain and therefore the consultation period should be extended accordingly.</p>				Checked with Communications Team who confirmed the consultation ran for the correct period of 8 weeks- This was stated beforehand and made clear.	Advised of correct consultation period.	
<p>Fully agree with all points. Request “to consider all existing plate holder to put on similar vehicle up to 3 years old until new legislation is imposed on year 2021 and for new driver keep your recommendation as it is, we fully agree that saloon vehicles should have the same age restrictions as wheelchair accessible vehicle and this tremendous decision will ensure equal justice for all drivers. There should be facility for a issuing a year hackney driver badge depending on circumstances.” “We want this policy to be adopted as soon as possible because we think this is a more comprehensive policy. This is first time in many years we have opportunity to forward our opinions to the licensing authority and for that we are grateful to the</p>				Considered	None	

authority. Thank you very much to the hardworking team of Licensing authority of RBC.”					
Details of the misconduct		Applicable Points Recommended by RBC Licensing Authority	Requested Recommendation of applicable points from XXXXX as follows		
1	Providing false or misleading information on licence application form/failing to provide relevant information or pay the relevant fee	12	Agree		
2	Failure to notify, in writing, the Council of a change of address within 7 calendar days	8	Agreed but requested recommendation is extend the day from 7 to 21 calendar days		
3	Refusal to accept hiring without reasonable cause	10	Recommendation 3/4		
4	Unreasonable prolongation of journeys or any misconduct regarding the charging of fares	10	Recommendation 1-10 depend on gross misconduct		
5	Plying for hire by Private hire drivers or Hackney Carriage drivers plying for hire outside the district	12	Recommendation 3-12		
6	Private hire vehicle parking or waiting on a taxi rank	9	Agree		

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7	Inappropriate behaviour at a taxi rank	1-12	Agree		
8	Leaving a taxi unattended at a rank	7	Recommendation 1-6		
9	Using unlicensed vehicle or using a licensed vehicle without insurance or without a valid MOT	12	Agree		
10	Failure to produce relevant documents within timescales when requested by an Authorised Officer	7	Recommendation 1-6		
11	Unsatisfactory condition of vehicle, interior or exterior	8	Recommendation 1-6		
12	Failure to provide proof of insurance cover when requested	6	Agree		
13	Failure to produce Hackney Carriage or Private Hire vehicle for re-testing when required	8	Agree		
14	Using a vehicle subject to a suspension order issued by an Authorised Officer or a police officer	12	Agree		
15	Using a vehicle for which the licence has been suspended or revoked	12	Agree		
16	Failure to report, in writing, within 72 hours, accident or damage to licensed vehicle,	8	Recommendation 1-6		

	which would cause the vehicle to breach licence conditions				
17	Carrying more passengers than stated on the vehicle	12	Agree		
18	Failure to display external licence plate in a fixed position	12	Recommendation 1-6		
19	Carrying an offensive weapon in the vehicle	12	Agreed but need to specify the type of Weapon		
20	Failure to notify a transfer of Private Hire or Hackney Carriage vehicle licence within 14 days of transfer	6	Agree		
21	Failure to carry fire extinguisher	6	Recommendation 1-6		
22	Failure to carry first aid kit	6	Recommendation 1 6		
23	Displaying unsuitable or inappropriate sited signs or unauthorised advertisements in or on the vehicle	6	Agree		
24	Failure to use authorised roof light	6	Agree		
25	Failure to maintain records in a suitable form of the commence and cessation of work of each driver each day	4	Agree		

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26	Failure to produce on request records of drivers' work activity	4	Agree		
27	Using a non-approved or non-calibrated taximeter (HC)	12	Agree		
28	Obstruction of an authorised officer or police officer wishing to examine a licensed vehicle	12	Agree		
29	Evidence of smoking in vehicle	8	1-6 Recommendation		
30	Evidence of food or drink waste in Vehicle	6	Recommendation 1-6		
31	Displaying any feature on private hire vehicle that may suggest that it is a Hackney Carriage	10	Agree		
32	Using a vehicle, the appearance of which suggests that it is a Taxi	12	Agree		
33	Failure to carry an assistance dog without requisite medical exemption certificate	12	Agree		
34	Driver not holding a current DVLA licence	12	Agree		
35	Failure to have the driver's	6	Agree		

	badge clearly displayed on their person and in the vehicle as required by the Code of Conduct				
36	Failure to notify, in writing, a change in medical circumstances	6			
37	Driver dressed inappropriately	4	Agree but some specification please		
38	Failure to observe rank discipline (HC)	3	Agree		
39	Failure to maintain proper records of private hire vehicles	3	Agree		
40	Failure to keep or produce records of Private Hire bookings or other documents required to be kept or produced	8	Recommendation 1-6		
41	Failure to notify, in writing, change in details of operator working for	6	Recommendation 1-6		
42	Misleading use of the words 'Taxi' or 'Cab' on advertising materials	6	Agree		
43	Failure to issue receipt on request.	6	Recommendation 1-6		
44	Using a licensed vehicle in a dangerous condition	12	Recommendation 1-12		

45	Failure to return vehicle licence plate within 7 days after due notice following expiry, revocation or suspensions of such licence	8	Agree				
46	Unsatisfactory behaviour or conduct of a driver.	1-12	Agree				
47	Failure to notify the Council in writing, of any motoring or criminal convictions within 72 hours or conviction or cautions during period of current licence	8	Agreed but requested Recommendation is extend the time from 72hr to 7 calendar days				
48	Failure to behave in a civil and orderly manner or bringing the trade into disrepute.	1-12	Recommendation 1-6				
49	Failure to provide reasonable assistance to a passenger	1-12	Recommendation 1-6				
50	Failure to display a correct up to date fare card (HC)	8	Recommendation 1-6				
51	Carrying two or more separate fares without the appropriate consent	9	Recommendation 1-6				
52	Failure to carry a legal spare wheel (or appropriate alternative) and the necessary tools to fit the spare wheel	6	Recommendation 1-6				

53	Failure to attend punctually at appointed time and place without sufficient cause. This includes application appointments	4	Agree		
54	A licensed vehicle with a bald or dangerous or defective tyre	4 per tyre	Recommendation 1-2 per tyre		
55	Failure to submit licence renewal application including documents and attendance at a vehicle inspection	6	Recommendation 1-6		
56	Use of a vehicle without a current compliance certificate	12	Agree		
57	Waiting or stopping on a double yellow area, bus stop or private land (without the owner's permission) unless requested by a paying customer present in the vehicle	4	Recommendation: You need to think alternative because shortage of taxi space in town.		
58	Driving whilst using a mobile phone	12	Agree		
59	Using vehicle horn otherwise than in accordance with the rule 112 of the Highway Code 8	8	Recommendation 1-6		
4.4 Implementation - Is it proposed that the policy will come into effect on a set date or on renewal/first application after a set date?				Date for implementation cannot be started until the consultation period has	N/A

<p>6.1 Fit and Proper Person Test - What is meant by general conduct/standards of behaviour (including on line behaviour). More detail is required regarding this as it is rather vague. What is meant by theoretical knowledge of issues and matters related to the work of a licensed driver. It is believed that if Rugby Borough Council are suggesting that there should be a "Code of Conduct" then more detail should be provided so that the Council and drivers understand what is likely to be taken into account. At present the wording is far too vague and open to mis-interpretation.</p> <p>6.3 Please define what is meant by "Advice will be provided in relation to certain old and minor cautions which are referred to as "protected". Where will this be provided and by whom? Please define what is meant by "sufficient background checks" are to be conducted. What are these checks and who is to undertake them. What guidance is given to applicants regarding this?</p>	<p>ended and comments considered.</p> <p>General conduct/standards of behaviour including online behaviour account will be taken of any comments in references made in respect of applications and any prior complaints or compliments made in respect of an applicant where applicable. Online behaviour includes for example, derogatory detrimental or sensitive postings on social media.</p> <p>What is meant by advice? Advice will be given from licensing officers, not legal advice. (guidance)- clear in the policy, at no point the council will advise on legal proceedings</p>	<p>N/A</p> <p>Amended with guidance from Legal.</p>
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<p>6.5 Relevance of Convictions and Cautions - Surely those licensed drivers deemed "fit and proper" under the "old rules" should have a "protected status" so far as any changes introduced in the new proposed policy is concerned. There should be a separate section regarding how to deal with existing drivers who satisfied the old criteria but who are outside of the new criteria. If they have done nothing wrong during the intervening period whilst the policy is being updated they should have a "protected status" or at least should be treated differently as existing drivers.</p> <p>6.6 Medical Assessment - Please define "certain medical conditions" too vague. It needs to have clarity.</p>	<p>For drivers who are renewing their dual driver licences old convictions which have already been considered by the council when granting a drivers licence will not require reconsideration. However, should a fresh disclosure and barring service reveal an offence during the term of the licence to be renewed then this will require further consideration.</p>	<p>N/A</p>
<p>6.9 Qualifications - Who is going to provide this training? Where can drivers obtain the necessary information?</p>	<p>This test will be undertaken at an independent assessment centre for example, the Blue Lamp or Green Penny Schemes- to same standard list available but not in policy</p>	
<p>6.10 Assessment- Is there a syllabus. How can a driver "study" for an assessment without knowing what the assessment may involve? Are there sample questions/assessments on line?</p>	<p>The conditions of the licence can be found on the councils website together with a list of public buildings which the driver</p>	

<p>6.15 - It is unlawful for any condition simply to be necessary. The statutory under wording in the LGM PA 1976 is "Reasonably necessary"</p> <p>7.4 -Vehicle Emissions - Surely there should be longer phasing in period given the cost of upgrading vehicles. Are there going to be incentives (reduced fees) for those who are prepared to invest in upgrading their vehicles? It would be helpful if a full definition of "grandfather rights" be included in the policy so there can be no doubt about what rights have been given and to whom. Furthermore currently there are "grandfather rights" for plates 1-50 and also 300+ and 400+ plates. This should remain consistent so all such plates should be treated equally.</p> <p>7.10-Tyres If a tyre is "legal" and complies with the council's definition regarding tread etc then why can't such a tyre be transferred from one vehicle to another. What is meant by "reputable vehicle maintenance company/contractor" - is there any guidance regarding who meets this definition?</p> <p>If a space saver has to be used during a period of hire why cant the driver continue to driver with the space saver after the period of hire to eg. His home</p>	<p>may be asked to locate and routes about which the driver may be asked to describe. The 12 months will start from the date of the third failed test. Subject to changed, driver/operators will be notified.</p> <p>Noted</p> <p>Prior to 2021 UHDAR wants to be able to put on 3 year old vehicles.</p> <p>Can drive to get the vehicle repaired or home.</p>	<p>Amended to 'Reasonably'</p> <p>Policy amended</p>
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<p>address or to a garage? !</p> <p>7.13 Taximeters- Please confirm whether Digitax are the only approved meter agent. If not why are they included in the policy? What is the relevance of an "approved" meter agent?</p> <p>7.14 CCTV Cameras - This is too vague. There needs to be an appropriate CCTV policy/code of conduct. More detailed advice needs to be given particularly regarding the ICO requirements, written permission and what is meant by "public interest". This section is far too brief and needs re-drafting.</p> <p>9.1- If a Private Hire Operator licensed by Rugby Borough Council also has a private hire operators licence with another Local Authority then pursuant to the Deregulation Act 2015 it is lawful to sub-contract. This section of the policy seems to contradict statute and needs to be re-worded accordingly.</p> <p>9.2 Application Process- It is unreasonable for a paid employee / manager to have to have a certificate of competence. The council can regulate its licence holders but where is the statutory power to regulate non-licence holders? What is the Certificate of Competence. Is there a syllabus so that someone can see the type of questions to be asked? Only a private hire operator should have to obtain a certificate of competence. More clarity is required regarding what should happen if a private hire operator leaves a business and someone wishes to take over as a going concern. The policy is far too vague regarding succession. There needs to be more detail.</p>	<p>Should not be used for longer than necessary.</p> <p>If it is someone wanted by the police, or in the case of an attack on the driver. Do not define what public interest is/ assist in safe guarding the public-</p> <p>Changed in policy by legal.</p> <p>Changed in policy by legal.</p>	<p>N/A</p> <p>Needs amending</p> <p>N/A</p>
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<p>9.4 Use of Operator Name following a revocation - Why 48 months?</p> <p>9.5 Operator Responsibility in respect of drivers/vehicles that are operated- It is unreasonable for an operator to be "responsible" for conduct of drivers and/or owner drivers vehicles. They after all separately hold licences with Rugby Borough Council. Unless the operator is complicit in any such "conduct" surely enforcement should be against the individual driver and/or the proprietor of any licensed vehicle.</p> <p>9.6 Conditions of licence - again the statutory wording is "reasonably necessary" so this section needs to be amended.</p> <p>10 Fee Structure Annual accounts of the licensing department showing a breakdown of all income and expenditure should be published and made available.</p> <p>11.1 Enforcement It would be helpful if there could be clarity regarding what is meant by "in the interests of public safety it may require a suspension or revocation to take place immediately". There needs to be guidance regarding this to assist consistent decision making.</p>	<p>To allow for a period of time whereby the name of the original</p> <p>Do not need to display accounts in the policy - if this information is required then presumably FOI should be made.</p> <p>I don't think it is wise to try and give any clarity as we would not be able to produce an exhaustive list. The statutory requirement is that it is considered in the public interest to suspend a licence immediately as otherwise public safety could be compromised. Any questions over the</p>	<p>None</p> <p>None</p>
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<p>11.2 Suspension of licences -This should specify that each case is to be considered on its own individual merits. On that basis why should there be an absolute bar on applying for a licence within 12 months of a revocation. This fetters the council's discretion. Appendix G</p> <p>17. Alteration to vehicle/CCTV</p> <p>There needs to be a proper CCTV policy regarding making footage available to third parties ie ICO requirements etc</p> <p>25. Door livery if a company has a mixed fleet of hackney carriage and private hire vehicles then surely the word taxi can be used if for instance the company is called Bloggs Taxis?!</p> <p>29. Taxi meter for private hire vehicles - it is unlawful for private hire meters to have to be set in accordance with hackney carriage fare tables. This needs to be altered accordingly.</p> <p>31. Vehicle Tests - Why should the owner of a vehicle present the vehicle? Surely it's the vehicle which is being tested not the owner. Indeed a non-driver/disqualified driver can still own a vehicle?!</p> <p>34. Animals - Why can't an animal belonging to the proprietor or driver be conveyed in it. This is not reasonably necessary. Many drivers use the vehicle as their family car as well. Surely a family goldfish or cat being taken to the vet in a basket are examples of this blanket ban being unreasonable?! Appendix I Private Hire Operator Conditions</p> <p>9. The Council cannot be expected to be able to regulate the non-licensed staff of a private hire operator. This is not a reasonably necessary licence condition. A</p>	<p>appropriateness depends upon the individual merits and could be left to the court to decide if necessary.</p> <p>Each case will be considered on its own merits taking into account all circumstances.</p> <p>Amended</p> <p>Noted</p>	<p>None</p> <p>Has been altered.</p> <p>None</p>
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<p>private hire operator does not in law have to use a fit and proper person test. An example to illustrate this is someone who has been disqualified from driving for numerous motoring misdemeanors. Why can't they sit in an office to take bookings?!</p> <p>17. An operator is lawfully allowed to sub-contract a booking under the Deregulation Act. This section therefore is unlawful.</p> <p>19. Maintenance - Safety and good order. Why should an operator have to check to see whether an owner driver's vehicle is still up to standard at all times. An operator is surely entitled to rely upon the fact that the Council have passed a vehicle. The wording of this section needs to be amended accordingly. Vehicle licence conditions are an obligation of the proprietor of the vehicle. Where is the power to enforce against an operator.</p> <p>Appendix L Penalty Points Scheme</p> <p>Where there are a range of potential points for a misdemeanor there needs to be clear guidance on how such a misdemeanor is to be assessed regarding its seriousness.</p> <p>What is meant by aggravating features - again there needs to be guidance on this to avoid abuse</p> <p>There needs to be clarity regarding appealing points. How should this be done? Is there an email address or can it be done verbally?</p>	<p>Amended</p> <p>Assessed on each cases individual merits.</p>	
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<p>9.4 Use of Operator name following a License Revocation This is unlawful; due to the fact restricting the use of trading names is nothing to do with the Council.</p> <p>9.5 Operator in respect of drivers/vehicles that are operated In law the driver is fully responsible for the condition of their own vehicle and any other vehicle being driven by them</p> <p>9.2 Application process Who sets the knowledge test? What training will be given to pass the knowledge test? At such a high pass rate of 90% we believe that is unreasonable. What business is it of the council if an employee leaves the Company that they are working for? I.e. office staff.</p> <p>7.10 Tyres</p>	<p>Amended by Legal</p> <p>Operators could be subject to a 'fit and proper' test if they knowingly allow vehicles in an unsuitable condition to operate.</p> <p>Council set the knowledge test. Drivers of Hackney Carriage Vehicles must</p>	<p>Changed to 85% overall.</p>

<p>If there is a legal tyre it can be fitted to any vehicle</p> <p>12.12 Not abusive Drivers have a right to defend themselves and their property if they feel that their life is in danger</p> <p>15. Non conviction information Allegations: when it only becomes a criminal offence should it be reported to the Council There is also no given time when to report it.</p> <p>English speaking At what level is satisfactory? (To be able to communicate in emergency situations/with emergency services)</p> <p>Advertisements Please clarify what is classed as advertising?</p> <p>Plying for hire If a customer is already in the vehicle which has been dispatched through the office and they wish to make a return booking with the driver. Is this allowed?</p> <p>Luggage We can only assume that you mean the boot of the vehicle</p> <p>Signs If anymore signs are placed in the windscreen the vehicle will become an MOT failure. We must be able to display our signs on the side of the vehicle with phone numbers identifying who we are. This must go for hackney carriages also.</p>	<p>have a good understanding of local area. Need to know where the licenced driver if moving to or if they're going to work for another operator.</p> <p>To be able to communicate in emergency situations/with emergency services</p> <p>The driver will have to contact the base and ensure the return booking is logged.</p> <p>Boot space</p>	<p>None</p>
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<p>Vehicle age {FROM 1st January 2002) According to the DFT guidelines, it should be any age vehicle for licensing. Less than 3 years old will have a financial impact on running of the businesses.</p> <p>44. Operators It is nothing to do with the council as to who is employed in the offices.</p> <p>Other motoring offences Rugby Council is not above the law of the land. It is down to the courts to decide to put a 5 year ban on a driver.</p> <p>Music and radio For a driver to play music in a private hire vehicle, they do not need a license.</p> <p>Maintenance check As previously stated it is down to the individual driver to do the checks.</p> <p>Penalty point's scheme This is totally unreasonable and unacceptable. I should imagine if it went to court it would be thrown out due to the fact that it is somebody's livelihood and it is above the DFT guidelines and also the DVLA guidelines.</p> <p>The appeals process should be heard by an independent committee, NOT Rugby Council licensing officers.</p> <p>2. Introduction p.5 3rd paragraph.</p>	<p>Position of trust, operator responsible for details of vulnerable people and private information (Holidays, empty properties, appointments)</p> <p>No responsibility of the licensing authority to check or regulate</p> <p>It is heard by Councillor's at committee, not officers/</p>	<p>None</p>
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<p>basically says council can overturn previous decisions ref. anything they think that would not pass under new policy. Read please</p> <p>4. Aims and Objectives No mention of how Council would tackle obvious threat of Uber and national companies minicabit, cabline, cmac etc. using non local drivers and companies to cover work in local areas.</p> <p>5. Delegations Stop notices.</p> <p>6.8 p.16 paragraph 22nd bullet point Surely only applies to own fault accidents.</p> <p>9.1 p.26 we need to have option of using out of town Hackney's if required.</p> <p>9.2 Council to clarify who has to take competence test. Operator or day to day staff ie. base operators. If only operator required then will this also apply to hackney operators as they would surely be within the same remit. Council need to clarify last paragraph ref. certificate holder leaves don't understand.</p> <p>9.5 p.27 Council need to provide guidelines to show what they deem to be sufficient checks periodically.</p> <p>12.17 Motoring Offences The standard seriously high. Anyone with 7 points cannot apply or renew their licence for a period of 5 years from conviction date if there licence clear of all points. So if tot up 7 points over 4 years of driving minor offences then you could face losing your licence for 5 years. No committee meeting.</p>	<p>Council have little control currently over cross border work.</p> <p>Legislation covers this.</p> <p>Knowledge test for proposed Operator.</p> <p>This is not a judicial decision.</p>	<p>None</p> <p>None</p>
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