DECISION

RIBBLE VALLEY BOROUGH COUNCIL
REPORT TO LICENSING COMMITTEE

Agenda Item No. 6

meeting date: 29 JANUARY 2019
title: CONSULTATION RESPONSE - REVISION OF TAXI LICENSING POLICY AND PROCEDURES FOLLOWING GUIDANCE ON DETERMINING SUITABILITY OF APPLICANTS AND LICENSEES IN THE HACKNEY AND PRIVATE HIRE TRADES
submitted by: CHIEF EXECUTIVE
principal author: STEPHEN BARKER

1 PURPOSE

1.1 To inform Committee of the consultation response and seek Committee's approval of the amended private hire and hackney carriage policies and procedures.

1.2 Relevance to the Council's ambitions and priorities

- Community Objectives - }
- Corporate Priorities - }
- Other Considerations - }

Consideration of these issues will promote the Council's aim to be a well-managed Council.

2 BACKGROUND

2.1 In April 2018, the Institute of Licensing published a document entitled "Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades" ("Guidance"). The Guidance was produced in conjunction with the Local Government Association (LGA), Lawyers in Local Government and the National Association of Licensing and Enforcement Officers (NALEO) following wide spread consultation.

2.2 The Guidance was produced because there is no recent statutory or ministerial guidance on how Committees, Sub-committee and/or officers should make a determination on whether an applicant or licensee is a 'fit and proper person'. The intention is to provide guidance on determining suitability, taking into account the character of the applicant or licensee and that it be used as a basis for the Council's own policies and in particular how regard should be had to the antecedent history of the applicant or licence holder and its relevance to their 'fitness and propriety' or 'character'. It is intended to help local authorities achieve greater consistency so that applicants are less able to shop between authorities.

2.3 Committee will recall that it considered this issue at its meetings in June and September last year and resolved to adopt the Guidance; and authorise the Head of Legal and Democratic Services to consult upon the proposed amendments to the policy for licensing and hackney carriage drivers and vehicles, private hire operators, drivers and vehicles, the statement of policy and guidelines on relevant convictions, Council's

licensing conditions and its procedures to ensure that there was a consistent approach to that advocated. The revised documents are enclosed as Appendix 1-3 of this report.

3 ISSUES

3.1 The Council consulted with all relevant licence holders upon the proposed amendments to between 30 October 2018 and 11 January 2019. A copy of the consultation documents are enclosed as Appendix 4.

3.2 The Council received one response as detailed in Appendix 5 to this report.

3.3 This response related to paragraph 2.4 of the existing policy, which was not subject to proposed amendment. The respondent queried whether duplication of DBS checks could be avoided where an applicant required a certificate for LCC for driving school buses as well as a certificate for driving hackney carriages or private hire vehicles for the Council. The Council's policy specifying the wording of the application in this respect conforms with the requirements of the Disclosure and Barring Service, is consistent with other authorities, and correctly identifies the category applicable to the activity being regulated. Variation of the revised Policy in this respect is not appropriate.

3.4 Committee is asked to consider the responses to the consultation and the Council's position in respect of each and to approve the amendments to the revised Policy for the licensing of Hackney Carriage Drivers and vehicles, Private Hire Operators, Drivers and Vehicles; Statement of Policy and Guidelines on Relevant Convictions and conditions of licence as enclosed at Appendices 1-3 of this report.

4. RISK ASSESSMENT

4.1 The approval of this report may have the following implications

- Resources – None
- Technical, Environmental and Legal – No implications identified.
- Political – No implications identified.
- Reputation – The Council's reputation will be enhanced by ensuring the aspects of public safety are addressed.
- Equality & Diversity –No implications identified

5. **RECOMMENDED THAT COMMITTEE**

5.1 Approve the revised Policy for the licensing of Hackney Carriage Drivers and vehicles, Private Hire Operators, Drivers and Vehicles; Statement of Policy and Guidelines on Relevant Convictions and conditions of licence as enclosed at Appendices 1-3 of this report.

DIANE RICE
HEAD OF LEGAL AND
DEMOCRATIC SERVICES

MARSHAL SCOTT

CHIEF EXECUTIVE

BACKGROUND PAPERS

Report to Licensing Committee 18 September 2018

For further information please ask for Diane Rice, extension 4418

REF: DER/Licensing Committee/29 January 2019

APPENDIX 1

Ribble Valley
Borough Council

www.ribblevalley.gov.uk

Policy for the Licensing of: Hackney Carriage Drivers and Vehicles Private Hire Operators, Drivers and Vehicles

Contents

1. INTRODUCTION

The policy outlines the requirements of the relevant legislation and gives guidance to new applicants, existing licence holders, and members of the public as to how the Ribble Valley Borough Council ("Council") will administer and enforce the requirements of the licensing regimes. The council may depart from its policy if the individual circumstances of any case warrant such a deviation. In such cases the Council must give full reasons for doing so.

This policy was first approved by Licensing Committee in April 2017 and has been reviewed in September 2018. The Head of Legal and Democratic Services has delegated powers to amend it when required by legislation or where Committee have resolved to change the Council's requirements or procedures.

1.1 Objectives

The aim of the licensing process is to regulate the hackney carriage and private hire trade in order to promote the objectives listed below. When considering each policy and procedure that makes up this document the Council has endeavoured to ensure that each requirement is properly justified by the risk it seeks to address, balancing the cost of the requirement against the benefit to the public.

Hackney carriages and private hire vehicles have a specific role to play in an integrated transport system. They are an important part of the transport infrastructure of the country, and the purpose of a licensing regime is to ensure that the service to the public is accessible and safe, and seen to be so. Hackney carriage and private hire drivers are persons of trust who maintain contact with the public. They are able to provide services in situations where other forms of public transport is either not available or for those with specific mobility requirements.

In setting out this policy, the Council seeks to promote the following objectives:

- The protection of public safety;
- A professional and respected hackney carriage and private hire profession; and
- Increased access to efficient and effective transport for the public.

This document contains the policies adopted by the Council for such licences. These policies will normally be applied in every case but where there are exceptional or unusual circumstances then these policies and conditions may be departed from. In particular, where appropriate circumstance require it, additional conditions to those detailed in this document may be applied to licences. Any such departure from this policy will only be as approved by the Head of Legal and Democratic Services or Electoral and Licensing Officer in consultation with the Chairperson of the Licensing Committee.

In adopting these policies regard has been given to all current Government advice contained in circulars or suggested good practice., and the Guidance on determining suitability of Applicants and licensees in the hackney and private hire trade produced by the Institute of Licensing dated April 2018. -

1.2 Powers and Duties

Legislation sets out how the Council must carry out its licensing functions in

respect of hackney carriage drivers and vehicles and private hire operators, drivers and vehicles.

1.3 Status

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

1.4 Licensing Profile

The Council currently licenses approximately:

59~~6~~4 hackney carriage drivers
55 hackney carriage vehicles
35~~0~~ private hire operators
98~~4~~ private hire drivers
79~~6~~ private hire vehicles

(figures correct as at September 2018~~March 2017~~)

1.5 Changes to Policies, Procedures and other matters

Significant changes to this Policy, internal procedures and other matters will be reasonably consulted upon and communicated via the Council's website, and direct communications with licence holders and interested parties where relevant.

2. GENERAL POLICY MATTERS

2.1 Sharing of Information

The Council will only share with other enforcement bodies, information supplied by applicants, where it is lawful to do so. In particular, personal information will only be disclosed in accordance with the Data Protection Act 1998. This may include requests from other regulatory agencies where this is necessary for the detection or prevention of crime or required by law or in connection with legal proceedings.

2.2 Quantity Restrictions on the issue of Hackney Carriage Licences

This Council restricts the number of hackney carriage vehicles licensed to 53, 4 of which are fully wheel chair accessible and 8 have elap seats.

2.3 Age restrictions on drivers.

This Council does not set a maximum age for the issue of licences to hackney carriage or private hire drivers. Applicants will be assessed on their merits.

This Council imposes a minimum age of 21 for the issue of licences to hackney carriage or private hire drivers.

2.4 Disclosure and Barring Service (DBS) Certificates

As part of the application process for a driver's licence, an applicant will be required to complete and submit, through the Council's preferred provider, a Disclosure and Barring Service Certificate (DBS). Applicants are also required to

disclose on their application form all convictions.

An enhanced DBS certificate is required for all hackney carriage ~~drivers~~ and private hire driver's. A basic DBS certificate is required for all Hackney Carriage proprietors and private hire vehicle and operator~~s~~ licence holder~~s~~. Applicants for a Private Hire Operator's Licence, who hold an existing hackney carriage or private hire driver's licence at the time of application will be exempt from the requirement for a DBS certificate provided the licenses run concurrently.

Disclosure and Barring Service certificates will only be accepted if the disclosure is dated within one calendar month prior to the application, unless the applicant has signed up to the 'Update' service. In these cases, the DBS certificate position applied for must be recorded as "other workforce taxi driver" and the applicant must provide the original DBS certificate and the unique ID number given in respect of the update service registration so that the Council can undertake the required checks to ensure that the information contained on the DBS certificate is up to date and that there have been no changes since its issue.

Drivers, vehicle licence holders and operators shall be required to submit new DBS checks every three years. Interim checks may be required where there is an indication of previous criminal activity. Alternatively, licence holders can register to the DBS update service which would allow the Council (with the drivers permission) to carry out a Status check more frequently.

If you have convictions, your application may be determined by the Licensing Sub-Committee. Ribble Valley Borough Council has a policy Statement of Policy and Guidelines on relevant Convictions which sets out how the Council will normally deal with convictions, cautions and other relevant matters. You must declare any convictions, cautions or reprimands, including fixed penalty notices for traffic offences on your application form and when making the Statutory Declaration (as applicable to your application).

You must also declare if you are currently being investigated by any authority, enforcement agency or the Police.

2.5 Overseas Criminal History Checks

Where the applicant has lived in a country other than the UK for a continuous period of six months or more at any time since their tenth birthday, then in addition to the DBS certificate, the applicant will be required to produce a Certificate of Good Conduct issued by each relevant non-UK country in which they have resided. The certificate must be an extract from the judicial record or equivalent document issued by a competent judicial or administrative authority for the relevant country. The certificate must document any convictions recorded against the individual or confirm their "good conduct". The applicant should contact their relevant Consulate for this. Overseas criminal history checks must have been obtained within the 6 month period preceding the application.

Asylum seekers who hold a Home Office issued application registration document together with a positive verification letter from the Home Office's Employer Checking Service stating that the named individual is permitted to work in the UK will be exempt from the requirement to submit a recent Certificate of Good Conduct. The Council will require any Certificate of Good Conduct that the applicant may have regardless of the age of the document.

Applicants with Certificates of Good Conduct which are in a language other than English will be required to have them translated into English at their own expense by an independent translation service and the translation must be verified.
Certifying a Translation

If you need to certify a translation of a document that's not written in English, ask the translation company to confirm in writing on the translation:

- that it's a 'true and accurate translation of the original document'
- the date of the translation
- the full name and contact details of the translator or a representative of the translation company

2.6 Policy Relating to the Relevance of Convictions

The Council must not grant a licence to a hackney carriage or private hire driver unless it is satisfied that the applicant is a fit and proper person. The Council may refuse an application, refuse to renew an application, suspend or revoke a hackney carriage or private hire driver licence if:

- The applicant / driver has been convicted of an offence involving dishonesty, indecency or violence;
- The applicant / driver has been convicted of an offence under or has failed to comply with the provisions of the Town Police Clauses Act 1847 or Part II of the Local Government (Miscellaneous Provisions) Act 1976;
- That he has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty; or
- There is any other reasonable cause.

For the purposes of obtaining a hackney carriage or private hire driver licence, the Rehabilitation of Offenders Act does not apply and all previous convictions, cautions and intelligence revealed by DBS or overseas criminal history checks or from any other reliable sources must be disclosed and will be considered when assessing the applicant's suitability to be licensed regardless of the date when the matter under consideration occurred.

Since March 2002 all convictions, irrespective of age, remain "live" for the purpose of hackney carriage or private hire driver licensing, these occupations being added to the exemptions list from that time. DBS responses or overseas criminal history checks will be assessed against any relevant information and also against the following criteria:

- nature of the offence;
- circumstances of offence;
- periods of good behaviour;
- overall conviction history;
- sentence imposed by the court;
- applicants history as an existing licensee (if relevant); and
- any other check considered reasonable e.g. personal references.

Where an applicant for a licence has a criminal conviction, then this need not permanently disbar them for applying for a licence. Each case will be considered on its merits and due regard will be paid to the Council's Policy Statement of Policy and Guidelines on relevant Convictions including Statement of Policy about

relevant convictions, cautions, complaints and other relevant matters of the time being.

2.7 Photographs

Where a photograph needs to be submitted to the Council for the purpose of the licensing regime for drivers, these shall be:

- in colour;
- passport size which is to say 45 mm high and 36 mm wide;
- in clear and sharp focus;
- taken against a plain cream or plain light grey background;
- not have red eye;
- have been taken within the last 30 days;
- free from shadows, reflection;
- shall be taken with the subject facing forward with eyes open and clearly visible with a neutral expression;
- show the full head, without any head covering, unless worn for religious beliefs or medical reasons; and
- be a true likeness of the subject.

2.8 Driving Licences

Applicants for new hackney carriage or private hire driver's licences shall have held a UK driving licence, a driving licence issued by a member state of the European Union or other exchangeable licence as defined in the Road Traffic Act 1988 for at least one year prior to the date of application. This period shall not include any periods when the driving licence has been suspended or revoked. The licence must reflect the applicant's current name and address.

2.9 Driving Standards Test

As part of a new application for a hackney carriage or private hire drivers licence the applicant will be required to pass a driving standards test and submit evidence of that pass with their application. The test must have been passed within the six-month period preceding the application for the licence. The Council currently accepts test certificates from Diamond Advanced Motorists (www.advancedmotoring.co.uk/taxi-test).

2.10 Right to Licence

On 1 December 2016, the section of the Immigration Act 2016 ("2016 Act") relating to hackney carriage and private hire licence came into force. These sections provide that driver and operator licences must not be issued to people who are illegally present in the UK, who are not permitted to work, or who are permitted to work but are subject to a condition that prohibits them from holding such a licence. The Council must therefore carry out checks to ensure that licences are not issued to such people and that applicants have a "Right to Licence".

The Council must check that all applicants (both new applicants and at renewal) have a right to licence. This includes all nationalities, (including UK citizens), who apply for or hold a taxi or private hire driver licence or a private hire operator licence.

The Right to Licence check will only need to be carried out once, unless there are restrictions on the length of time an individual may work in the UK. If this is the case a licence will not be issued for any longer than the period of time an individual is entitled to work in the UK and the check will be repeated each time the individual applies to renew or extend the licence.

Details of the documents which are accepted can be found on the Council's Immigration Act information sheet at
https://www.ribblevalley.gov.uk/download/downloads/id/10896/list_of_acceptable_documents_for_right_to_a_licence_check.pdf

2.11 Medical Standards

Applicants for hackney carriage or private hire driver's licences shall, as part of their application, submit the Group 2 medical form completed by their own GP.

The GP will indicate on the form the period within which the medical must be renewed (up to a maximum of 5 years) but this must be annual once the applicant reaches the age of 65.

In considering an applicant's medical fitness the Council will apply Group 2 DVLA standards. The Council reserves the right to require the submission of a new medical assessment at any time, at the licensee's expense, especially where information becomes available that suggests that a licensee's medical status has changed. Where a specific medical condition causes concern the Council may seek to obtain specialist medical advice solely on that applicant or licence holder's condition.

2.12 Inspections

Inspections will be carried out according to a risk-based and intelligence led system and may be in conjunction with the police or VOSA. Operators will have their records and possibly their premises inspected.
Vehicles will be inspected.

Licence holders will have their documentation inspected and must produce to the Council, any document which has been requested for production, even if the document has previously been produced.

Wherever possible, vehicles and documentation will be inspected at the same time.

2.13 Lifting of Vehicle Suspensions

Where the licensed vehicle has been suspended under the Local Government (Miscellaneous Provisions) Act 1976 section 60 for failure to produce documents required by the Council, the suspension will only be lifted once the required documents are produced and are to the satisfaction of the Council. Where relevant, the Council reserves the right to conduct a vehicle inspection before lifting the suspension.

Where the licensed vehicle has been suspended under the Local Government (Miscellaneous Provisions) Act 1976 section 68 following an inspection, the suspension will only be lifted once any required documents have been produced,

the defects identified in the suspension notice rectified and (if required) the vehicle passes a test by the Council's appointed testing centre.

2.14 Authorised Officers

The Council may authorise other Licensing Authorities to regulate hackney carriage and private hire drivers and vehicles in accordance with the Council's policy, conditions of the licence, byelaws and relevant law. The Council will publish via its website the names of Councils which have been authorised. To date the Council has not authorised any other authorities.

2.15 Renewals

A renewal application will not be accepted more than one calendar month before the expiry of the current licence as a premature application increases the likelihood of the Council determining whether a person remains a "fit and proper" person based on information that is not up to date at the time of renewal.

If the applicant fails to submit a renewal application two weeks before the expiry of the current licence, the Council cannot guarantee the licence will be renewed on time. Only fully completed applications accompanied with the original required supporting documents and correct fee will be accepted, incomplete applications will be returned.

Where a licensed driver fails to apply for a new licence before their existing licence expires, (and in all cases where a period of one year has elapsed since the licence expired) the licensee may be required to apply for a new licence as if they were a new applicant. In such circumstances, a licence will not be granted until such time as all the necessary licensing requirements have been fulfilled.

Legal responsibility rests with drivers, vehicle proprietors and operators to ensure that their licence is current. Any person who drives a hackney carriage or private hire vehicle without a valid and appropriate licence or permits someone to use their vehicle as if it were a licensed vehicle commits a criminal offence.

2.16 Period of Licences

All licences issued after the adoption of this policy shall last for the following periods.

- a hackney carriage vehicle licence shall last for a period not exceeding 4, 6 or 12 months dependent on the age of the vehicle;
- a hackney carriage driver's licence shall last for a period not exceeding three years;
- a private hire vehicle operator's licence shall last for a period not exceeding
- five years;
- a private hire vehicle licence shall last for a period not exceeding 4, 6 or 12 months dependent on the age of the vehicle; and
- a private hire driver's licence shall last for a period not exceeding three years.

2.17 Test Purchasing

Where appropriate, the Council will carry out test purchasing of hackney carriage

and private hire services in order to check that licensing requirements are being complied with.

2.18 Vehicle Standards

Vehicles will not be considered suitable for licensing as hackney carriages or private hire vehicles unless they comply with this policy document and, in addition, the following:

Hackney Carriages

- an FX9 or equivalent (London cab type) vehicle or;
- a saloon or estate car with at least four doors and reasonable accommodation for luggage and capable of seating not less than 4 nor more than 8 adult passengers or;
- a minibus type vehicle capable of seating not more than 8 adult passengers;
- and in respect to an FX9 or equivalent or a minibus:
  - is a right-hand drive vehicle;
  - has adequate lighting for the interior of the vehicle and an adequate heating system for the driver and passengers, with means of control by the driver;
  - carries a spare wheel and tool kit to change wheels;
  - is of such a design to enable any person in the carriage to communicate with the driver;
  - is fitted with a roof or covering which can be kept water-tight; vi) contains windows and a means of opening and closing not less than one window on each side;
  - contains seats which must be properly cushioned or covered;
  - has a proper carpet, mat or other suitable covering for the floor;
  - contains fittings and furniture kept in a clean condition, safe and well maintained and in every way fit for public service;
  - is fitted in such a way to enable luggage to be secured if the vehicle is so constructed to carry luggage;
  - contains at least two doors for the use of persons conveyed in the vehicle and a separate means of ingress and egress for the driver; and
  - (save with the approval of the Council) have glass in its windows with a minimum of 70% light transmission.
  - Licensed vehicles are not required to be fitted with closed circuit television (CCTV), where a licensed vehicle is equipped with CCTV, this must meet all legislative requirements and European Union directives and it must be specific for purpose i.e., to provide a safer environment for the benefit of the driver and passengers.

Private Hire

- be in a sound and road worthy condition
- be maintained in a safe and clean condition inside and out;
- comply fully with all relevant statutory requirements (including but not exclusively the Motor Vehicles (Construction and Use) Regulations as amended from time to time or its successor legislation;
- be fitted with four road wheels, and an approved spare wheel;
- have at least four doors;
- be capable of seating not less than four nor more than eight full-sized adult passengers;
- be of the right hand drive type;

- be fitted with a roof or covering which can be kept watertight;
- be fitted with wing mirrors;
- contain windows which open and close, at least one on each side of the vehicle;
- contain properly upholstered and covered seats;
- contain furniture and fittings which are clean, well maintained and in every way fit for public service;
- be of such design as to enable the hirer/passenger in it to communicate with the driver;
- be fitted in such a way to enable luggage to be secured if the vehicle is constructed to carry luggage;
- have a proper carpet fitted to the floor;
- have the licence plate issued by the Council fixed by a bracket to the rear of the vehicle, which is easily removable;
- display an internal licence plate provided by the Council, in the front windscreen so as not to obscure the driver's vision.
- (save with the approval of the Council) have glass in its windows with a minimum of 70% light transmission.

2.19 Age of Vehicles

The Council does not restrict the age of a vehicle but its age will determine the term of the licence as follows:

- Vehicles under 3 years old – 12 months;
- Vehicles over 3 years old but less than 7 years old – 6 months; and
- Vehicles over 7 years old – 4 months.

2.20 Category C and D vehicles

Vehicles of Category C or D status can be licensed by this Council. The Council will, in addition to the application requirements, require a letter from the applicant's insurance company to confirm that they are aware of the Category status and are prepared to insure the vehicle.

2.21 Seating Capacity of Vehicles

In determining the number of passengers that a vehicle may be licensed for, the following guidelines will be applied.

- where separate seats for each person are provided one person shall be counted for each separate seat provided;
- where the vehicle is fitted with continuous seats one person shall be counted for each complete length of 410 mm measured in a straight line lengthwise on the front of each seat, however this number shall be reduced where there are insufficient seatbelts provided to accommodate this number; and
- where any continuous seat is fitted with arms in order to separate the seating spaces and the arms can be folded back or otherwise put out of use, the arms shall be ignored in measuring the seat.

2.22 Signage Conditions

<u>Hackney Carriage</u>

A Hackney Carriage must:

- be equipped with a roof sign, of a standard size - width 500mm, height 120mm - such sign to be illuminated and bearing the word "TAXI" in black letters on yellow background and facing forward and on the red background facing backwards.
- not save as set out above, be equipped with roof fittings, including advertisements except a wireless aerial which must be fitted in such a manner as to satisfy the Council;
- have a sign stating 'no smoking' with minimum diameter of 70mm displayed in a visible position inside the vehicle.
- not display any signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever on, in or from the vehicle except as may be required by any statutory provision (including bye-laws) or required or permitted by these conditions. This condition does not apply to any indication on a taximeter fitted to the vehicle or to a sign which:
- is displayed in, on or from the vehicle whilst it is stationary;
- contains no words or numbers other than the name and address of an operator of the vehicle or the name under which he carries on his business and its address;
- is displayed in pursuance of a prior arrangement made for the carriage of a passenger or passengers named in the sign.

Private Hire

A private hire vehicle must:

- not have any lights, plates, signs, advertisements or other fittings, save for those required under conditions or as approved by the Council;
- not be equipped with any roof fitting or sign other than a wireless aerial, approved by the Council;
- not display the words "Taxi", "Taxi Cab" or "Cab";
- display door signs upon its rear doors stating "Private Hire Vehicle", "Advanced bookings only" and "Not insured unless prebooked" only and the lettering within those signs must be in bold black type and not less than 15mm in height . These signs must be displayed on private hire vehicles AT ALL TIMES (including when the vehicle is not in use)";
- display door signs upon its front doors which shall only include the name of the private hire operator and its telephone number. If the words "Taxi", "Taxi Cab" or "Cab" or "for hire" form part of the Operator's name these must be omitted from the sign; and
- display a sign stating "no smoking" with a minimum diameter of 70mm inside the vehicle in a position which is clearly visible to the hirer/passengers."

2.23 Licence fees

The legislation provides that fees charged to applicants should be sufficient to cover the costs of inspecting the vehicles, providing hackney carriage stands (taxi ranks) and administering the regulation of the hackney carriage and private hire trades.

The appropriate fee must be paid when the application for a hackney carriage or private hire driver's and/or vehicle licence is submitted.

Current fees are advertised on the Council's website and are detailed on the relevant application form guidance notes.
In respect of hackney carriage and private hire driver and vehicle licences, no refunds will be given after the licence had been issued.

In respect of applications for hackney carriage and private hire driver's licences, no refund will be given to applicants who are refused a licence after determination by the Council.

2.24 Change of Ownership

The holder of a hackney carriage or private hire vehicle licence is required by law to notify the Council, in writing, of the name and address of a person to whom he/she has transferred their interest of the licensed vehicle to. Such notification must take place within 14 days of the transfer of interest.

The new proprietor of the vehicle must within 14 days of acquiring the vehicle, submit to the Council an application for a change of ownership and such application must be accompanied by the relevant insurance and the V5 registration document showing the new keeper's name and address or the new keeper supplement thereof. If a new keeper supplement is produced, the full log book must be submitted to the Council within 6 weeks.

If the change of ownership is not notified in accordance with the above, the Council may refuse to register the new proprietor.

2.25 Documentation

All documentation submitted in support of hackney carriage and private hire driver and vehicle licences, or private hire operators must be original documents which can be verified.

The Council will accept emailed copies of insurances documents to the Licensing department's official email address licensing@ribblevalley.gov.uk).

V5 vehicle registration documents and driving licences submitted by email when requested to do so or which are submitted as part of notifications regarding a change of address will be accepted by email provided that the document is clearly legible once viewed on Council systems. The Council reserves the right to refuse service by email where further enquiries or inspection of the original document is required.

V5 registration documents must be in an individual's name, partnership, sole trader or limited company registered with Companies' House.

2.26 Dual Plating

The Council does not allow a licensed vehicle to be licensed as a hackney carriage or private hire vehicle with any other licensing authority whilst the licence with this Council is in force.

3. HACKNEY CARRIAGE DRIVERS

3.1 First time applications

Before the Council will issue a licence the applicant must:

- Satisfy the Council that they are not less than 21 years of age
- Satisfy the Council that they have for at least 12 months prior to the date of the application, held a driver's licence (not being a provisional licence granted to the application under Part III of the Road Traffic Act 1972 authorising him/her to drive a motor car.
- Complete the Council's application form and sign the statutory declaration in the form prescribed by the Council
- Pay the relevant fee
- Produce either their Birth Certificate or Passport or document or document combination that is stipulated as being suitable for compliance with the Immigration Act "right to licence" test
- Produce their DVLA Driving Licence and provide the appropriate authorisation to allow the Council to carry out a check with the DVLA
- 7. Provide 2 Passport style photographs
- Provide a Letter of character reference
- Complete the online Disclosure and barring service (DBS) check and provide a copy of the disclosure
- Provide a Mandatory Group 2 Medical Certificate signed by the applicant's own GP or by a GP from the same practise who has access to the applicant's medical records to the effect that they are fit to be a driver of a hackney carriage
- Satisfactorily complete the Council's knowledge test.
- Provide a certificate for the DVSA taxi driver test.
- Either provide a certificate for the ~~Level 2 NVQ in Road Passenger Vehicle Driving (Taxi and Private Hire)~~B Tech Introdcution to the role of Professional Taxi and Private Hire Driving or confirm at which college this will be completed, and when and provide evidence of enrollment on the course and that the fee has been paid.
- Complete the Council's Child Sexual Exploitation awareness course or provide a copy of the certificate is this has already been completed.
- Provide a document or document combination that is stipulated as being suitable for compliance with the Immigration Act "right to licence" test.

3.2 Renewal Applications

Before an application to renew a licence will be granted the applicant must:

- Complete the Council's application form and sign the statutory declaration in the form prescribed by the Council.
- Pay the relevant fee.
- Provide 1 Passport style photograph.
- Produce their DVLA Driving Licence and provide the appropriate authorisation to allow the Council to carry out a check with the DVLA
- Produce their certificate for the ~~Level 2 NVQ in Road Passenger Vehicle Driving (Taxi and Private Hire)~~B Tech Introdcution to the role of Professional Taxi and Private Hire Driving (this only applies where they first applied for a licence on or after 1 April 2016).
- Provide a Mandatory Group 2 Medical Certificate signed by the applicant's own GP or by a GP from the same practise who has access to the

applicant's medical records to the effect that they are fit to be a driver of a hackney carriage (where required).

- Complete the online Disclosure and barring service (DBS) check and provide a copy of the disclosure (where required).
- When renewing for the first time since the implementation of the Immigration Act 2016 provide the necessary documentation to evidence their right to licence.
- Complete the Council's Child Sexual Exploitation awareness course or provide a copy of the certificate is this has already been completed.

The Council will not accept an application for the renewal of a driver's licence more than one calendar month before the date on which the current licence is to expire as a premature application increases the likelihood of the Council determining whether a person remains a "fit and proper" person based on information that is not up to date at the time of renewal.

Legal responsibility rests with the driver to ensure that their licence is current. Any person who drives a hackney carriage or private hire vehicle without a valid and appropriate licence commits a criminal offence.

Any licence holder that drives after the expiry of their licence and before a new licence is granted is committing a criminal offence.

3.3 Byelaws

Hackney carriage drivers and proprietors shall comply with the byelaws adopted by the Council relating to hackney carriages as detailed within the appendices of this policy document. Where there is a conflict between the byelaws and the conditions of the licence or legislation, legislation will take precedence and in all other cases, the conditions of the licence will take precedence.

3.4 Driver licence and badge

A driver shall be issued with a hackney carriage driver's licence and identification badge. These documents remain the property of the Council. At the request of an Authorised Officer of the Council, the licence and identification badge must be returned to the issuing office. A driver shall upon the expiry (without immediate renewal), revocation or suspension of the licence forthwith return the drivers badge to the Council.

3.5 Convictions

The driver shall notify the Council within seven days of his arrest, charge, receipt of a summons or fixed penalty notice, conviction or Caution for any offence. If you have convictions, your licence may be determined by the Licensing Committee.

3.6 Change of address

The holder of a hackney carriage or private hire driver's licence and/or vehicle licence shall notify the Council in writing of any change of his address during the period of the licence within 7 days of such change taking place. Within 6 weeks of such a change, the holder of a hackney carriage or private hire driver's licence shall produce to the Council, the updated driving licence showing the new address. The holder of a hackney carriage or private hire vehicle licence shall within 6

weeks produce the V5 registration document showing the new address and the amended driving licence.

3.7 Conduct of driver

The driver shall at all times be clean and respectable in their dress and person and behave in a civil and orderly manner.

3.8 Carrying of assistance dogs and wheelchairs

A driver, unless in possession of an exemption certificate, must accept bookings made by or on behalf of a disabled person who is accompanied by an assistance dog. Furthermore, a driver must accept a booking by a person who will be accompanied in the hackney carriage vehicle by such a disabled person and a driver must not make an additional charge for carrying the disabled passenger's assistance dog, wheelchair or any other mobility aid.

3.9 Health of driver

The driver of a hackney carriage must inform the Council without delay about the onset or worsening of any health condition likely to cause them to be a source of danger to the public when driving either now or in the future. Examples are contained in the DVLA medical notification guidance. Such notification must be made in writing to the Council's office address or to the licensing department's email (licensing@ribblevalley.gov.uk).

Drivers who are in doubt about whether or not their health condition is one which should be reported should consult their doctor and refer to the DVLA medical rules and standards updated every 6 months.

4. HACKNEY CARRIAGE VEHICLES

4.1 Licensing of hackney carriages

(Local Government (Miscellaneous Provisions) Act 1976 section 47):

1) A district council may attach to the grant of a licence of a hackney carriage under the Town Police Clauses Act of 1847 such conditions as the district council may consider reasonably necessary.
2) Without prejudice to the generality of the foregoing subsection, a district council may require any hackney carriage licensed by them under the Act of 1847 to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage.
3) Any person aggrieved by any conditions attached to such a licence may appeal to a magistrates' court.

4.2 General

Hackney carriage vehicles shall comply with the hackney carriage conditions and byelaws adopted by the Council relating to hackney carriages. The vehicle shall be issued with identification plates and door livery which remain the property of the Council. A vehicle licence holder shall upon the expiry (without immediate renewal), revocation or suspension of the licence return the identification plates to the Council, subject to the relevant timescales.

4.3 Applications

The following documents shall be submitted when making an application for a new or renewal licence:

- the correct fee;
- an original certificate of insurance for the vehicle, valid on the day the licence is collected, and with not less than 30 days cover insuring it for the purpose of its use as a hackney carriage vehicle; certificates of insurance emailed/faxed direct from the insurance company will be accepted;
- the original Vehicle Registration Document showing the current owners name and address or the new keeper supplement; (document must be in person name, sole trader, partnership or limited company);
- a current MOT certificate - on renewal applications, this certificate shall be no older than two months prior to the expiry of the vehicle licence;
- a vehicle inspection test certificate from the Council's approved testing centre;

The Council will not accept an application for the renewal of a vehicle licence more than one calendar month before the date on which the current licence is to expire as a premature application increases the likelihood of the Council determining whether a the vehicle remains fit for licensing based on information that is not up to date at the time of renewal.

Legal responsibility rests with the driver to ensure that their licence is current. Any person who drives a hackney carriage or private hire vehicle without a valid and appropriate licence commits a criminal offence.

Any licence holder who drives after the expiry of their licence and before a new licence is granted is committing a criminal offence.

4.4 Hackney Carriage Vehicle Conditions.

The conditions appended at Appendix A are attached to a hackney carriage vehicle licence.

4.5 Vehicle Inspection Test

The vehicle inspection test must be carried out at the Council's approved testing centre. Currently Bee Mill Garage, Preston Road, Ribchester, Preston PR3 3XL. A checklist for the inspection can be found on the application form.

5. PRIVATE HIRE OPERATORS

5.1 General

This Council will only licence Operator's offices that are within the Council's area. All licences are currently renewed in February, and are granted for only part of a year if applied for later.

5.2 Applications

The following documents shall be submitted when making an application for a new licence or renewal of a vehicle licence:

- the correct fee;
- basic~~enhanced~~ DBS certificate;
- overseas criminal history check where applicable;
- The above two items are exempt if the applicant is an existing licensed driver or vehicle holder with this Council;
- Public Liability Insurance if the premises are open to the public; and
- Planning permission / certificate of lawfulness if applicable (contact the
- Planning Department for advice);

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Any application not accompanied by the appropriate documentation, or where the applicant has not attended for an interview, shall be rejected as invalid.

5.3 Private Hire Operator Conditions.

The conditions appended at Appendix B are attached to a private hire operator licence.

6. PRIVATE HIRE DRIVERS

6.1 First time applications.

Before a new driver's licence will be granted the applicant must:

- Satisfy the Council that they are not less than 21 years of age
- Satisfy the Council that they have for at least 12 months prior to the date of the application, held a driver's licence (not being a provisional licence granted to the application under Part III of the Road Traffic Act 1972 authorising him/her to drive a motor car.
- Complete the Council's application form and sign the statutory declaration in the form prescribed by the Council
- Pay the relevant fee
- Produce either their Birth Certificate or Passport or other documents which satisfy the 'right to licence' test
- Produce their DVLA Driving Licence and provide the appropriate authorisation to allow the Council to carry out a check with the DVLA
- Provide 2 Passport style photographs
- Provide a Letter of character reference
- Complete the online Disclosure and barring service (DBS) check and provide a copy of the disclosure
- Provide a Mandatory Group 2 Medical Certificate signed by the applicant's own GP or by a GP from the same practise who has access to the applicant's medical records to the effect that they are fit to be a driver of a hackney carriage
- Satisfactorily complete the Council's knowledge test.
- Provide a certificate for the DVSA taxi driver test.
- Either provide a certificate for the ~~Level 2 NVQ in Road Passenger Vehicle Driving (Taxi and Private Hire)~~B Tech Introdcution to the role of Professional Taxi and Private Hire Driving or confirm at which college this will be completed, and when and provide evidence of enrollment on the course and that the fee has been paid.

- Complete the Council's Child Sexual Exploitation awareness course or provide a copy of the certificate is this has already been completed

Any application not accompanied by the appropriate documentation shall be rejected as invalid.

6.2 Renewal Applications

Before an application to renew a licence will be granted the applicant must:

- Complete the Council's application form and sign the statutory declaration in the form prescribed by the Council.
- Pay the relevant fee.
- Provide 1 Passport style photograph.
- Produce their DVLA Driving Licence and provide the appropriate authorisation to allow the Council to carry out a check with the DVLA
- Produce their certificate for the ~~Level 2 NVQ in Road Passenger Vehicle Driving (Taxi and Private Hire)~~B Tech Introdcution to the role of Professional Taxi and Private Hire Driving (this only applies where they first applied for a licence on or after 1 April 2016).
- Provide a Mandatory Group 2 Medical Certificate signed by the applicant's own GP or by a GP from the same practise who has access to the applicant's medical records to the effect that they are fit to be a driver of a hackney carriage (where required).
- Complete the online Disclosure and barring service (DBS) check and provide a copy of the disclosure (where required).

The Council will not accept an application for the renewal of a driver's licence more than one calendar month before the date on which the current licence is to expire as a premature application increases the likelihood of the Council determining whether a person remains a "fit and proper" person based on information that is not up to date at the time of renewal.

Legal responsibility rests with the driver to ensure that their licence is current. Any person who drives a private hire vehicle without a valid and appropriate licence commits a criminal offence.

Any licence holder that drives after the expiry of their licence and before a new licence is granted is committing a criminal offence.

6.3 Private Hire Driver Conditions.

The conditions appended at Appendix C are attached to a private hire driver licence.

7. PRIVATE HIRE VEHICLES

7.1 Applications

The following documents shall be submitted when making an application for a new or renewal licence:

- the correct fee;

- an original certificate of insurance for the vehicle, valid on the day the licence is collected, insuring it for the purpose of its use as a private hire vehicle; certificates of insurance emailed direct from the insurance company will be accepted;
- the original Vehicle Registration Document showing the current owners name and address or the new keeper supplement; (document must be in person name, sole trader, partnership or limited company);
- an MOT certificate issued during a mechanical vehicle inspection at a Council nominated testing station dated within the month preceding the application; and
- if applicable, a letter from the registered keeper of the vehicle to the applicant, stating that they have given their permission for the vehicle to be licensed.
- Basic DBS certificate.

The Council will not accept an application for the renewal of a vehicle licence more than one calendar month before the date on which the current licence is to expire.

Legal responsibility rests with the driver to ensure that their licence is current. Any person who drives a private hire vehicle without a valid and appropriate licence commits a criminal offence.

7.2 Private Hire Vehicle Conditions

The conditions appended at Appendix D are attached to a private hire vehicle licence.

7.3 Executive Vehicle Requirements

Private Hire vehicles used solely for executive hire can be exempted under Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976 from the requirement to display a licence plate and the driver from wearing a driver's badge. Applications for an exemption from this requirement must be made in writing.

(The Local Government (Miscellaneous Provisions) Act 1976 provides a further exemption when a vehicle is under a contract for the hire of the vehicle for a period of not less than 24 hours.)

The matters that will be taken into account when considering such applications will include the following:

- Most (and in this context this means approximately 90%) or all of the work should be for businesses which maintain an account with the operator(s). This should be demonstrated by reference to records of at least three months existing work;
- The vehicle should generally be used exclusively for account work and not used for any other booked work;
- The type of vehicle to which the application relates on the basis that executive status should relate only to luxury type vehicles;
- The compliance record of the operator concerned including details of any complaints lodged against drivers employed by the operator.

- An interview with an officer from the Council's Licensing department.

An Executive Vehicle shall be subject to the standard conditions attached to an exemption granted to the holder of a private hire vehicle licence.

If granted, the exemption notice will be issued to the holder of the private hire vehicle licence and shall be granted for a period not exceeding one year and shall expire upon the expiry of the private hire vehicle licence.

The conditions appended at **Appendix F** are attached to Executive Private Hire Vehicle licences.

7.4 Stretched Limousines

Stretched limousines will be considered by the Council for licensing as a private hire vehicle providing that:

- A certificate is produced to show that the vehicle has been examined under the Individual Vehicle Approval inspection regime by VOSA;
- The vehicle is not capable of carrying more than 8 passengers;
- All other aspects of licensing a vehicle as a private hire vehicle are complied with.

8. STATUTORY REQUIREMENTS – HACKNEY CARRIAGE VEHICLES

Below are some of the statutory requirements for hackney carriage vehicles. The list is not exhaustive and readers are recommended to consult the relevant legislation for further detail:

8.1 Accidents to Vehicles

The proprietor of a hackney carriage shall report to the Council in writing as soon as reasonably practicable, and in any case within 72 hours of the occurrence thereof, any accident to such hackney carriage causing damage materially affecting the safety, performance or appearance of the hackney carriage or the comfort or convenience of persons carried therein. Compliance with this condition does not exempt the proprietor from his statutory liability to report accidents to the police.

8.2 Insurance

The proprietor of any hackney carriage licensed by the Council shall at the request of any Authorised Officer of the Council produce for inspection the vehicle licence for such hackney carriage and the certificate of the policy of insurance or security required by Section 143(2) Road Traffic Act 1988.

9. STATUTORY REQUIREMENTS – PRIVATE HIRE OPERATORS

Below are some of the statutory requirements for private hire operators. The list is not exhaustive and readers are recommended to consult the relevant legislation for further detail:

9.1 Term of Licence

A Private Hire Operator's Licence will normally be granted for a period of 5 years. A renewal application must be received and processed before the expiry of the current licence. Any licence holder that drives after the expiry of their licence and before a new licence is granted is committing a criminal offence.

9.2 Drivers and Vehicles

Only properly licensed drivers and vehicles are used to fulfil any booking.

10. STATUTORY REQUIREMENTS – PRIVATE HIRE DRIVERS

Below are some of the statutory requirements for private hire drivers. The list is not exhaustive and readers are recommended to consult the relevant legislation for further detail:

10.1 Identification of Driver

The driver of a private hire vehicle shall at all times whilst in the course of his duty wear his private hire driver's badge in such a position and manner as to be plainly visible and this badge must be shown, if requested to the hirer of the vehicle and to any "authorised officer" or police officer for the purposes of the Local Government (Miscellaneous Provisions) Act, 1976.

11. STATUTORY REQUIREMENTS – PRIVATE HIRE VEHICLES

Below are some of the statutory requirements for private hire vehicles. The list is not exhaustive and readers are recommended to consult the relevant legislation for further detail:

11.1 Location of Vehicle

The proprietor of a private hire vehicle licensed by the Council shall, within such period as the Council may by notice reasonably require, state in writing the address of every place where such private hire vehicle is kept when not in use, and shall, if the Council so requires, afford to them such facilities as may be reasonably necessary to enable them to cause such private hire vehicle to be inspected or tested there.

11.2 Transfer of Ownership

The proprietor shall notify the Council in writing of any changes in vehicle ownership within 14 days of such change taking place.

11.3 Alteration of Vehicle

No material alterations or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Council at any time while the licence is in force.

Appendix A

Hackney Carriage Vehicle Licence Conditions

Appendix B

Private Hire Operators Licence Conditions

Appendix C

Private Hire Drivers Licence Conditions

Appendix D

Private Hire Vehicle Licence Conditions

Appendix E

Byelaws Relating to Hackney Carriages

Appendix F

Standard Conditions of an 'Exemption Notice' issued in respect of an Executive Private Hire Vehicle

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Guidance Notes

An 'Exemption Notice' exempting a private hire vehicle proprietor from the requirement to display the exterior licence plate and door decals upon the vehicle, and the driver of that vehicle from the requirement to wear/display a private hire driver's identification badge, is granted subject to the licensed private hire vehicle being operated in accordance with the conditions set out below.

The vehicle must be an "executive" style car. The service offered must be contract or account type work with private companies who require a chauffeur type executive level of service. Such determination to be made by the Electoral and Licensing Officer whose decision is final.

Failure to comply with these conditions may result in the withdrawal of the exemption notice at the discretion of the Electoral and Licensing Officer.

Should it be the case that the Council's standard private hire operator, proprietor or drivers conditions conflict with the Council's standard 'Exemption Notice' conditions, then for the period that the said notice remains in force, the standard 'Exemption Notice' conditions shall be deemed to apply.

Standard Conditions

1. The Proprietor shall notify the Council immediately in writing if there is any material change in the nature of the use of the vehicle.
2. The 'Exemption Notice' shall be carried within the vehicle at all times, and presented for inspection at the request of an Authorised Officer of the Council, a Police Constable or the hirer.
3. The Proprietor shall not display in, on or from the vehicle any advertisement, sign, logo or insignia advertising the operating company or promoting the vehicle's status as a licensed private hire vehicle, without the prior written approval of the Council.
4. The Private Hire Vehicle proprietors licence identification plate issued by the Council shall be carried in the luggage compartment of the vehicle at all times and produced for inspection at the request of an Authorised Officer of the Council, a Police Constable or the hirer.
5. A disc, which may be issued by the Council, shall be displayed on the inside of the front windscreen.
6. No taximeter shall be displayed within the vehicle at any time.
7. No table of fares/tariff card shall be displayed in the vehicle at any time.
8. The Proprietor shall ensure that the private hire vehicle driver carries his/her identification badge issued by the Council within the vehicle at all times and produced for inspection at the request of an Authorised officer of the Council, a Police Constable or the hirer.

Appendix 2

HACKNEY CARRIAGE & PRIVATE HIRE LICENSING

STATEMENT OF POLICY AND GUIDELINES ON RELEVANT CONVICTIONS

Ribble Valley
Borough Council

www.ribblevalley.gov.uk

In the Council's view this statement and the guidelines that follow are compatible with the rights and freedoms under the European Convention on Human Rights.

This document aims to provide guidance to any person with an interest in hackney carriage and private hire licensing. In particular, but not exclusively:

- Applicants for drivers' Licences
- Existing licensed drivers whose Licences are being reviewed
- Applicants for operators Licences
- Existing licensed operators whose Licences are being reviewed
- Licensing Officers
- Members of the Licensing Sub-Committee
- Magistrates hearing appeals against local authority decisions
- Lancashire Constabulary

Where Officers have delegated powers to grant or refuse Licences, they will utilise these guidelines when making a decision to grant a Licence. In other cases Applications for Licences will be referred to the Licensing Sub-Committee.

Whilst Officers and the Licensing Sub-Committee will have regard to the guidelines contained in the policy, each case will be considered on its individual merits and, where the circumstances demand, the Sub-Committee/Officer may depart from the guidelines.

Background

1. In this Policy the following words have the following meanings:

    a. "Applicant" means a person applying for a Licence, an existing Licence Holder applying for renewal of a Licence, or an existing Licence Holder whose Licence is subject to a decision by the Council to revoke, suspend or take no further action

    b. "Application" means an Application for a Licence, an Application for renewal of a Licence, or a decision by the Council to revoke, suspend or take no further action in respect of an existing Licence

c. "Conviction" means a conviction, caution or formal warning and endorsable fixed penalty
d. "Council" means Ribble Valley Borough Council
e. "Driver" means a person applying for a Licence or a Licence Holder
f. "Individual" includes an existing Licence Holder, an applicant for a new Licence, and an Applicant for the renewal of an existing Licence
g. "Issue" includes any complaints made to the Council, Police, Operators or any other agency, breaches of licensing conditions and intelligence received from other agencies (including circumstances which have not resulted in a criminal Conviction or other disposal). E.g. incidents which have resulted in a police investigation where there has been no further action due to the criminal burden of proof will still be considered if the Council is satisfied that the incident occurred based on the balance of probabilities)
h. "Licence" means a Licence to drive a hackney carriage and/or a private hire vehicle or operate a private hire business
i. "Licence Holder" means the holder of a current valid Licence granted by the Council

2. Where this Policy refers to a period free of Conviction, that period is to be calculated as:

   Commencing on the later of:

   a) the date of the Conviction;
   b) in the case of a Licence Holder, the date the Conviction was reported to the Council;
   c) the date any custodial sentence was completed; or
   d) the end date of any period of disqualification from driving and ending on the date of determination of the Application.

3. Licences may only be granted where the Council is satisfied that the Individual is a fit and proper person to hold such a Licence.

4. The document is intended to give guidance on one aspect of whether a person is or is not a fit and proper person namely the situation where a person has previous Convictions.

5. The Council is concerned to ensure:
   a. That a person is a fit and proper person.
   b. The public are not exposed to persons with a history of dishonesty, indecency or violence.
   c. The safeguarding of children and young persons and vulnerable adults.

6. The public are not normally permitted to attend Committee hearings for licence Applications or reviews, however, in determining whether to grant a Licence the committee or officers will take into account the human rights of the wider public and balance these against the human rights of the Applicant.

7. When submitting an Application, Individuals are required to declare all previous Convictions they may have. Individuals are also required to declare all formal/simple cautions, any matters of restorative justice and all fixed penalties and all endorsable fixed penalties they have received and to provide details of all criminal matters of which they are currently the subject of criminal investigation or prosecution.

8. The information given will be treated in confidence and will only be taken into account in relation to the relevant Application to assist the Council in determining whether the Applicant is a fit and proper person to hold a Licence for the purposes of sections 51, 55 and 59 of the Local Government (Miscellaneous Provisions) Act 1976, or whether the Council should exercise any of its powers under section 61 or 62 of the Act (i.e. suspension, revocation or refusal to renew a Licence).

9. Applicants for a Licence to drive a hackney carriage or private hire vehicle should be aware that the Council is empowered by law to check with the Disclosure Barring Service for the existence and content of any criminal record and other intelligence held in their name. Officers from the licensing section will where appropriate contact other agencies for any other information which they may hold for instance, Lancashire County Council Children's Services and Lancashire Constabulary. Information received from the Disclosure Barring Service or other agency will be kept in strict confidence while the licensing process takes its course and will be retained no longer than is necessary and in any event will be destroyed in accordance with the requirements of the Data Protection Act 1998 and in accordance with good practice after the Application is determined or any appeal against such determination is decided.

10. The disclosure of a Conviction or other relevant information relating to an Individual's conduct will not necessarily debar an Individual from being granted, retaining or renewing a Licence. It will depend on whether or not the Individual can satisfy the Council that they are a fit and proper person to hold such a Licence.

11. The Council may fail to be satisfied that an Individual is a fit and proper person to hold a Licence for any good reason. If adequate evidence that a person is a fit and proper person is not adduced or if there is good reason to question or doubt the evidence provided, then that could amount to good reason to refuse a Licence.

12. In considering evidence of an Individual's good character and fitness to hold a Licence, where previous Convictions or other information relating to criminal matters/character is disclosed, the Council will consider:
    - the nature of the offence/Issue and penalty;
    - when it was committed/took place;
    - the date of Conviction/Issue and the length of time which has elapsed;
    - the Individual's age when the offence was committed/Issue took place;
    - whether or not it is part of a pattern of criminal behaviour;
    - the intent, the harm which was, or could have been caused; and
    - any other factors which might be relevant.

Where an Individual has been convicted of a criminal offence, the Council cannot review the merits of the conviction *[Nottingham City Council v. Mohammed Farooq (1998)]*

13. The Council has adopted the following guidelines relating to the relevance of Convictions to which it refers in determining Applications for Licences and when considering whether to take any action against any existing Licence Holder.

14. The guidelines do not deal with every type of offence, and do not prevent the Council from taking into account offences not specifically addressed in the guidelines, or other conduct, which may be relevant to an Individual. If an Individual has a Conviction for an offence not covered by the guidelines regard will be given to the factors at paragraph 12 when deciding whether any action should be taken.

15. Offences described in the guidelines and similar offences, though differently entitled in any statutory provision, modification or re-enactment, will be taken into account in accordance with the guidelines.

16. The guidelines are not an attempt to define what a "fit and proper person" is.

17. Any Individual who is refused a Licence or has such a Licence suspended or revoked has a right of appeal to the Magistrates' Court within 21 days of the notice of refusal.

GUIDELINES ON THE RELEVANCE OF PREVIOUS CONVICTIONS and OTHER INFORMATION

General Policy

1. Each case will be decided on its own merits.

2. The Council has a duty to ensure so far as possible that drivers and operators are fit and proper persons to hold Licences. One aspect of that is the extent to which previous Convictions, including but not limited to Convictions for offences against children and young persons, dishonesty, sexual offences, traffic offences, violence and drugs indicate that a person is not a fit and proper person, and would not take advantage of passengers or abuse or assault them.

3. Restorative justice and other criminal disposals are increasingly used by the police as a less formal way of dealing with issues and as an alternative to the criminal court system. The Council recognises that restorative justice and other out of court disposals tend to be applied in less serious cases or for first time offenders, nevertheless all such disposals will be taken into account when determining if a person is a fit and proper person.

4. An Individual with a Conviction for a serious offence need not be automatically barred from obtaining a Licence, but would normally be expected to:

   a. Remain free of Conviction for an appropriate period; and

   b. Show adequate evidence that he or she is a fit and proper person to hold a Licence (the onus is on the Applicant to produce such evidence). A person with a Conviction for a single serious offence or a number of separate offences is not barred from applying for a private hire or hackney carriage driver Licence, but would normally be expected to remain free from Conviction for an appropriate period (which will depend on the nature of the offence.)

   c. Simply remaining free of Conviction will not generally be regarded as adequate evidence that a person is a fit and proper person to hold a Licence.

5. Some discretion may be appropriate if the offence is an isolated one with mitigating circumstances. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour, which will be taken into account. (In any case which involves certain specified sexual offences, murder or manslaughter a Licence will normally be refused.)

6. In relation to the period that a driver is expected to remain free of Conviction as detailed in paragraphs A-D and F, if an Applicant has more than 1 Conviction for any of the offences listed, the period free of Conviction will increase by 1 year per additional offence.

7. Where the Licensing Committee convene to consider an Application they may do so by Hearing with notice – Notice of the time and date when a committee will be convened will be given to the Applicant ahead of the date listed in order to allow the person to seek independent legal advice and to attend and be represented at the hearing. The procedure to be followed will be provided to the Applicant with the notice.

8. Where new offences are created or existing offences are consolidated or re-enacted etc. they will be treated in a manner appropriate to their severity whether or not this guidance has been updated to reflect the changes.

9. The following examples afford a general guide on the action, which might be taken where Convictions are disclosed.

A. OFFENCE OF DISHONESTY

Applicants are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare and in other ways.

Passengers may include especially vulnerable people and children.

Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing. In certain situations drivers will know that a property is empty whilst the occupants are away on holiday for a set period of time after taking them to the airport or railway station.

The widespread practice of delivering unaccompanied property is indicative of the trust that businesses put into drivers.

For these reasons a serious view is taken of any Convictions involving dishonesty.

In particular, an Application will normally be refused where the Individual has a Conviction for an offence or similar offences or offences which replace the offences below and the Conviction is less than 7~~3~~ years prior to the date of Application

i. Theft
ii. Burglary
iii. Fraud
iv. Benefit fraud (including offences under ss.111A and 112 of the Social Security Administration Act 1992)
v. Handling or receiving stolen goods
vi. Forgery (e.g. producing false insurance policy)
vii. Conspiracy to defraud
viii. Obtaining money or property by deception
ix. Other deception

~~An Applicant with Convictions for dishonesty which are between 3 and 5 years old will normally be referred to Licensing Sub Committee.~~

B. VIOLENCE (OTHER THAN SEXUAL AND INDECENCY OFFENCES)

Members of the public and in particular, the elderly, infirm and children or vulnerable adults entrust their personal safety to private hire and hackney carriage drivers whenever they take a journey.

Passengers often travel alone and are vulnerable to physical attack etc.

Users of private hire and hackney carriage vehicles have a right to expect that drivers are not Individuals with a predisposition towards or a propensity for violent behaviour at any level.

Offences against Children (under 14 years) and Young Persons (aged 14 to 17 years)

Applicants are often entrusted with the care of children and young persons.

It is comparatively easy for an unscrupulous driver to take advantage of such vulnerable persons.

The Council seeks to minimise risks associated with children and young persons and for that reason a more serious view will be taken where offences of violence involve children or young persons.

Where the commission of an offence involves loss of life a Licence will normally be refused. Where an Applicant has a conviction and less than 10 years have elapsed since the completion of any sentence imposed the licence will not be granted. For any other offences where more than 10 years have elapsed the matter will be referred to licensing subcommittee for determination.~~An Applicant with a Conviction less than 5 years old will generally be refused. Other cases where the Conviction is less than 10 years prior to the date of the Application will be referred to the Licensing Sub-Committee for determination.~~

Offences against Other Persons

Applicants maintain close contact with the public. Where the commission of an offence involved loss of life a Licence will normally be refused.

Where an Applicant has a conviction and less than 10 years have elapsed since the completion of any sentence imposed the licence will not be granted. For any other offences where more than 10 years have elapsed the matter will be referred to licensing subcommittee for determination ~~An Applicant with a Conviction less than 3 years old will generally be refused. In other cases where the Conviction is less than 10 years prior to the date of the Application, the Applicant will be referred to the Licensing Sub-Committee for determination.~~

In particular:

i. An Application will normally be refused where the Individual has a Conviction for an offence or similar offence(s), or similar offence(s) which replace the below offences:

- Murder

- Manslaughter
- Manslaughter or culpable homicide while driving

ii. ~~An Application will also normally be refused where the Individual has a Conviction for an offence(s)/similar offence(s) or offence(s)/similar offence(s) which replace the below offences and the Conviction is less than 10 years prior to the date of Application:~~

- ~~Arson~~
- ~~Racially aggravated malicious wounding or grievous bodily harm (s.20 Offences Against the Person Act 1861 & s.29(1)(a) Crime and Disorder Act 1998)~~
- ~~Actual bodily harm (s.47 Offences Against the Person Act 1861) which is racially aggravated (s.29(1)(b) Crime and Disorder Act 1998)~~
- ~~Grievous bodily harm with intent (s.18 Offences Against the Person Act)~~
- ~~Grievous bodily harm (s.20 Offences Against the Person Act)~~
- ~~Robbery~~
- ~~Possession of firearm~~
- ~~Riot~~
- ~~Assault Police~~
- ~~Common assault with racially aggravated (s.29(1)(c) Crime and Disorder Act 1998)~~
- ~~Violent disorder~~
- ~~Resisting arrest~~

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iii. ~~An Application will also normally be refused where the Individual has a Conviction for an offence(s)/similar offence(s) or offence(s)/similar offence(s) which replace the below offences and the Conviction is less than 5 years prior to the date of Application:~~

- ~~Racially-aggravated criminal damage (s.30 Crime and Disorder Act 1998)~~
- ~~Racially-aggravated s.4 Public Order Act 1986 offence (fear of provocation of violence) (s.31(1)(a) Crime and Disorder Act 1998)~~
- ~~Racially-aggravated s.4A Public Order Act 1986 offence (intentional harassment, alarm or distress (s.31(1)(b) Crime and Disorder Act 1998)~~
- ~~Racially-aggravated s.2 Protection from Harassment Act 1997 offence (harassment) (s.32(1)(a) Crime and Disorder Act 1998)~~
- ~~Racially-aggravated s.4 Protection from Harassment Act 1997 offence (putting people in fear of violence) (s.32(1)(b) Crime and Disorder Act 1998)~~
- ~~Racially-aggravated s.5 Public Order Act 1986 offence (harassment, alarm or distress) (s.31(1)(c) Crime and Disorder Act 1998)~~

iv. ~~An Application will also normally be refused where the Individual has a Conviction for an offence(s)/similar offence(s) or offence(s)/similar offence(s) which replace the below offences and the Conviction is less than 3 years prior to the date of Application:~~

- ~~Blackmail~~
- ~~Common assault~~
- ~~Assault occasioning actual bodily harm (s.47 Offences Against the Person Act)~~
- ~~Affray~~

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- ~~S5 Public Order Act 1986 offence (harassment, alarm or distress)~~
- ~~S.4 Public Order Act 1986 offence (fear of provocation of violence)~~
- ~~S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)~~
- ~~Harassment/Breach of restraining order - Protection from Harassment Act 1997~~
- ~~Obstruction~~
- ~~Possession of offensive weapon~~
- ~~Criminal damage~~

C. DRUGS

A serious view is taken of any drug related offence. The use of drugs has a tendency to make people unpredictable, unreliable and sometimes violent. Driving whilst under the influence of drugs is illegal and dangerous to not only to the person driving, but also to passengers and other road users.

In addition, Applicants are in a position where they could be involved in the transportation of drugs by the very nature of the activity. This would clearly be undesirable. Member of the public have a right to expect that those persons who are granted licences to transport them are not drug users or involved in the supply of drugs.

An Application from an Individual who has a Conviction related to the supply, intent to supply or production of drugs and the Conviction is less than 10 years prior to the date of Application will generally be refused

An Application from an Individual who has an isolated Conviction for an offence related to the possession of Class A drugs or permitting premises to be used for drug activity within the last 10~~7~~ years will generally be refused. Any conviction where a period greater than 10 years have elapsed will be referred to licensing subcommittee for determination. ~~Conviction less than 10 years old will be referred to the Committee for determination.~~

An Application from an Individual who has an isolated Conviction for an offence related to the possession of Class B drugs within the last 5 years will generally be refused. A Conviction less than 7 years old will be referred to the Licensing Sub-Committee for determination.

An Application from an Individual who has an isolated Conviction for an offence related to the possession of Class C drugs within the last 3 years will generally be refused. A Conviction less than 5 years old will be referred to the Licensing Sub-Committee for determination. .

An Application will normally be refused where the Individual has more than one Conviction for offences related to the possession of drugs and the most recent Conviction is less than 7 years prior to the date of the Application.

If any Applicant was an addict then they will normally be required to show evidence of 5 years free from drug taking after detoxification treatment as required by the Council.

D. SEXUAL AND INDECENCY OFFENCES

Applicants are in a position of trust and frequently transport children, young people, vulnerable adults or lone female passengers. They are often alone with the passengers and are in complete control of the vehicle and the journey and any risk that the driver may sexually assault, attack or interfere with a passenger must be eliminated by refusing a licence.

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

Any Individual currently on the sex offenders' register or any 'barred list' would not ~~normally~~ be granted a Licence.

~~Offences against Children (under 14 years) and Young Persons (aged 14 to 17 years)~~

~~Applicants are often entrusted with the care of children and young persons. It is comparatively easy for an unscrupulous driver to take advantage of such vulnerable persons.~~

~~Where the commission of a sexual offence involves a child or young person an Application for a Licence will normally to be refused.~~

Intelligence and other information which has not resulted in a criminal conviction

The Council will sometimes be made aware of other intelligence or low level information about an Individual which has not resulted in the conviction of that person but is relevant in relation to their character. Officers will give appropriate consideration to this information and will seek to consult with other appropriate agencies in order to ensure that they have a comprehensive understanding. Any additional information gathered through this process may then be taken into account.

~~Offences against persons other than children / young persons~~

~~Applicants often carry unaccompanied passengers. Individuals with a Conviction for rape, indecent assault, or other similar offences or similar offences under the Sexual Offences Act 2003, will normally be refused a Licence.~~

~~Applicants on the sex offenders register will normally be refused a licence. Individuals with a Conviction less than 5 years old relating to sexual offences such as soliciting, importuning, indecent exposure or other similar offences under the Sexual Offences Act 2003, will normally be refused.~~

~~Where the Conviction is between 5 and 10 old it will be referred to the Licensing Sub-Committee. After 5 years, consideration will be given to the circumstances of the offence and any evidence demonstrating that the person is now a fit and proper person to hold a Licence. Amongst circumstances, which the Council may wish to consider, are circumstances, which if they occurred at the time of the consideration of the Application would not be a criminal offence.~~

E. Exploitation

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

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F~~E~~ MOTORING CONVICTIONS

The safety of passengers is paramount, and members of the public should expect to be driven by a competent and safe driver.

I. Major Traffic Offences

~~a. An isolated Conviction, without disqualification, for an offence such as dangerous driving will require careful consideration of the facts and will at the very least merit a warning as to future driving and advice on the standard expected of drivers. However, where the Conviction is within 3 years prior to the date of the Application the Application will normally be refused.~~

a ~~b.~~ Applications where there is more than one Conviction for this type of offence within the last 7~~5~~ years will normally be refused.

c. A list of offences to which this paragraph applies is attached as **Appendix I**.

II. Minor Traffic Offences

a. Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offiences, a licence will not b granted until at least 5 years have elapsed.~~Isolated Convictions for minor traffic offences should not normally prevent an Application from being granted. However, the number, type and frequency of this type of offence will be taken into account and if there is more than 1 offence of this nature the Applicant will normally be expected to show a period free of Conviction of at least 6 months.~~

~~b. In particular, an Application will normally be refused where the Applicant has 12 or more penalty points on his DVLA Licence (whether or not the Applicant was convicted by a court for the offences for which the points were imposed) or where the Applicant has more than one Conviction for this type of offence within the last 6 months.~~

b~~c~~. A list of offences to which this paragraph applies is attached as **Appendix II**.

III. Hybrid Traffic Offences

a. Offences of the type listed in **Appendix III** will be treated as major traffic offences if the court awarded 4 or more penalty points for the offence and as minor traffic offences if the court awarded 3 or less penalty points for the offence.

~~IV. Disqualification~~

~~**Major Traffic Offence**~~

~~An application will generally be refused unless a period of 3 years free from conviction has elapsed from the restoration of the DVLA licence, and 5 years where the disqualification relates to driving whilst unfit through drink or drugs.~~

~~**Minor Traffic Offence**~~

~~An application will generally be refused unless the individual can show a period free from conviction has elapsed from the restoration of the DVLA licence which is equal to the period of disqualification imposed by the court i.e. 3 month disqualification = 3 month period free from conviction. Where no disqualification has been given the period free from conviction will be determined by reference to the period(s) free from conviction for a minor traffic offence(s).~~

~~**Hybrid Traffic Offence**~~

~~An application will generally be refused unless the individual can show a period free from conviction has elapsed from the restoration of the DVLA licence which is twice the period of disqualification imposed by the court. e.g 3 month disqualification = 6 month period free from conviction. Where no disqualification has been given the period free from conviction will be determined by reference to the period(s) free from conviction for hybrid traffic offence(s).~~

V. ~~Totting Up~~

~~TT99 Totting up – if the total of penalty points reaches 12 or more within 3 years the driver is liable to disqualification by the Court.~~

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~~**Totting up With Disqualification**~~

~~An application will generally be refused unless the individual can show a period of at least 12 month free from conviction has elapsed from the restoration of the DVLA licence.~~

~~Where any of the offences which contribute to a totting up disqualification are a Major Traffic Offence the Council will consider the application under "Disqualification – major traffic offence"~~

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~~**Totting up without Disqualification**~~

~~In "totting-up" cases where disqualification is considered by the court, even if the court does not disqualify (e.g. because of exceptional circumstances) a driver the Council is likely to refuse driver's Licence because different criteria apply and an Applicant will normally be expected to show a period of at least 12 months free from Conviction from the date the court made its finding of exceptional circumstances justifying the non-disqualification.~~

~~In these circumstances the Council will consider the application as a disqualification for the most serious of the offences contributing to the totting up (e.g. where the offences contributing to the totting up are SP30, SP80 and IN10 the Council would consider IN10 under 'Disqualification – Major Traffic Offence').~~

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GF OFFENCES UNDER THE TOWN POLICE CLAUSES ACTS AND PART II OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

One of the main purposes of the licensing regime set out in the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 ("the Acts") is to ensure the protection of the public. For this reason a serious view is taken of Convictions for offences under the Acts (including illegally plying for hire) when deciding whether an Applicant is to be treated as a fit and proper person to hold a Licence.

~~In particular, an Applicant will normally be refused a Licence where (s)he has been Convicted of an offence under the Acts at any time during the 2 years preceding the Application or has more than one Conviction within the last 5 years preceding the date of the Application.~~

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

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

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I USING A HAND HELD TELEPHONE OR HAND HELD DEVICE WHILST DRIVING

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

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J DRUNKENESS/DRIVING WHILST UNDER THE INFLUENCE OF ALCOHOL OR DRUGS.G ~~DRUNKENNESS~~

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Driving whilst under the influence of drink is unacceptable under any circumstances and puts not only the driver, but the passengers and other road users at risk. Such irresponsible behaviour is not conducive with the responsibilities of an Applicant. Other criminal behaviour involving drunkenness such as being drunk and disorderly tends to suggest that an Applicant doesn't have the appropriate temperament for the role.

Where an Applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since completion of any sentence or driving ban imposed. In these circumstances, any Applicant will also have to undergo drug testing at their own expense to demonstrate that they are not using controlled drugs.

~~**With a motor vehicle (no disqualification)**~~

~~A serious view will be taken of convictions of driving or being in charge of a vehicle whilst under the influence of drink.~~

~~An Applicant will normally be refused where the individual has a conviction, which does not result in disqualification, for an offence within 2 years of the date of the application.~~

~~More than one conviction for this type of offence, within at least 5 years of the date of the conviction is likely to merit refusal.~~

~~**With a motor vehicle (disqualification)**~~

~~When a disqualification has occurred as a result of a drink related offence at least 5 years free from conviction should normally elapse from the date of the restoration of the DVLA licence before an application is considered for a licence. In addition, the individual will normally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if they were an alcoholic.~~

Not in a motor vehicle

An isolated Conviction for drunkenness need not debar an Applicant from being granted a Licence. In some cases, a warning may be appropriate. However, more than 1 Conviction in the last 2 years will merit a refusal.

In addition the Applicant will normally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if they were an alcoholic.

KH SPENT CONVICTIONS

By virtue of the Rehabilitation of Offenders Act 1974 (Exemptions) (Amendment) Order 2002 taxi drivers are an exempted occupation for the purposes of the 1974 Act and convictions are therefore never spent.

The Council will only consider spent Convictions if it appears to be relevant for deciding whether the Applicant is a fit and proper person to hold a Licence and that justice cannot be done in the case, except by admitting or requiring evidence relating to that spent Conviction. The council will in its consideration take into account the nature of the offence(s), the history or pattern of offending, the lapse of time and whether all the convictions have previously been considered

Appendix I

MAJOR TRAFFIC OFFENCES

(Paragraph (E,I) refers)

AC10 Failing to stop after an accident
AC20 Failing to give particulars or to report an accident within 24 hours
AC30 Undefined accident offences

BA10 Driving while disqualified by order of court
BA30 Attempting to drive while disqualified by order of court

~~CD40 Causing death through careless driving when unfit through drink~~
~~CD50 Causing death by careless driving when unfit through drugs~~
~~CD60 Causing death by careless driving with alcohol level above the limit~~
~~CD70 Causing death by careless driving then failing to supply a specimen for analysis~~
CD71 Causing death by careless driving then failing to provide a specimen for analysis
CD90 Causing death by driving; unlicensed, disqualified or uninsured drivers

DD10 Causing serious injury by dangerous driving
DD40 Dangerous driving
DD60 Manslaughter or culpable homicide while driving a vehicle
DD80 Causing death by dangerous driving

~~DR10 Driving or attempting to drive with alcohol level above limit~~
~~DR20 Driving or attempting to drive while unfit through drink~~
~~DR30 Driving or attempting to drive then failing to supply a specimen for analysis~~
~~DR31 Driving or attempting to drive when unfit through drugs~~
~~DR40 In charge of a vehicle while alcohol level above limit~~
~~DR50 In charge of a vehicle while unfit through drink~~
DR60 Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive
DR61 Failure to provide a specimen for drug analysis in circumstances other than driving or attempting to drive
DR70 Failing to provide specimen for breath test
~~DR80 Driving or attempting to drive when unfit through drugs~~
~~DR90 In charge of a vehicle when unfit through drugs~~

IN10 Using a vehicle uninsured against third party risks

LC30 Driving after making a false declaration about fitness when applying for a licence
LC40 Driving a vehicle having failed to notify a disability

LC50	Driving after a licence has been revoked or refused on medical grounds
MS50	Motor racing on the highway
MS60	Offences not covered by other codes
MS90	Failure to give information as to identity of driver etc.
UT50	Aggravated taking of a vehicle

Aiding, abetting, counselling or procuring

Offences as coded above, but with 0 changed to 2 (e.g. IN10 becomes IN12)

Causing or permitting

Offences as coded above, but with 0 changed to 4 (e.g. IN10 becomes IN14)

Inciting

Offences as coded above, but with 0 changed to 6 (e.g. IN10 becomes IN16)

Appendix II

MINOR TRAFFIC OFFENCES
(Paragraph (E,II) refers)

MS10	Leaving a vehicle in a dangerous position
MS20	Unlawful pillion riding
MS30	Play street Offences
MS40	Driving with uncorrected defective eyesight or refusing to submit to a test
MS70	Driving with uncorrected defective eyesight
MS80	Refusing to submit to an eyesight test
MW10	Contravention of Special Road Regulations (excluding speed limits)
PC10	Undefined contravention of Pedestrian Crossing Regulations
PC20	Contravention of Pedestrian Crossing Regulations with moving vehicle
PC30	Contravention of Pedestrian Crossing Regulations with stationary vehicle
TS10	Failing to comply with traffic light signals
TS20	Failing to comply with double white lines
TS30	Failing to comply with a "Stop" sign
TS40	Failing to comply with direction of a constable or traffic warden
TS50	Failing to comply with traffic sign (excluding "Stop" sign, traffic lights or double white lines)
TS6O	Failing to comply with school crossing patrol sign
TS70	Undefined failure to comply with a traffic direction sign

Aiding, abetting, counselling or procuring
Offences as coded above, but with 0 changed to 2 (e.g. PC10 becomes PC12)
Causing or permitting
Offences as coded above, but with 0 changed to 4 (e.g. PC10 becomes PC14)
Inciting
Offences as coded above, but with 0 changed to 6 (e.g. PC10 becomes PC16)

Appendix III

HYBRID TRAFFIC OFFENCES
(Paragraph (E,III) refers)

CD 10	Driving without due care and attention
CD20	Driving without reasonable consideration for other road users
CD30	Driving without due care and attention or without reasonable consideration for other road users
CU10	Using vehicle with defective brakes
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
CU30	Using a vehicle with defective tyre(s)
CU40	Using a vehicle with defective steering
CU50	Causing or likely to cause danger by reason of load or passengers
CU80	Using a mobile phone whilst driving a motor vehicle
LC20	Driving otherwise than in accordance with a Licence
SP10	Exceeding goods vehicle speed limit
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
SP30	Exceeding statutory speed limit on a public road
SP40	Exceeding passenger vehicle speed limit
SP50	Exceeding speed limit on a motorway
SP60	Undefined speed limit offence

Aiding, abetting, counselling or procuring
Offences as coded above, but with 0 changed to 2 (e.g. CU10 becomes CU12)
Causing or permitting
Offences as coded above, but with 0 changed to 4 (e.g. CU10 becomes CU14)
Inciting
Offences as coded above, but with 0 changed to 6 (e.g. CU10 becomes CU16)

APPENDIX 3

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Ribble Valley Borough Council

www.ribblevalley.gov.uk

RIBBLE VALLEY BOROUGH COUNCIL PRIVATE HIRE OPERATOR'S LICENCE

The Council has the power to suspend, revoke or refuse to renew any Operator's licence if any of these standard conditions are not complied with.

The Private Hire Operator's Licence (the "Licence")

1. The private hire Operator's license shall be valid from the date of issue until 31 January of the following year, unless suspended, revoked or surrendered.
2. All applicants must apply for a basic~~n enhanced~~ DBS check, the contents of which will form part of the process of assessing whether an applicant is a fit and proper person.
3. Upon request the Operator shall produce the Operator's licence to any authorised officer of the Council or Police Officer.

The Premises

4. The Operator shall:
   (a) ensure that a valid planning consent is in force (when planning legislation and/or practice requires it) for the operation, on all the premises from which the operation is to be conducted;
   (b) obtain and maintain appropriate public liability insurance in respect of any premises, which they use in the course of business. Upon request the certificate shall be produced to any authorised officer of the Council;
   (c) ensure that the Standard Conditions for private hire Operators, vehicles and drivers are available for inspection by members of the public at the premises;
   (d) permit any authorised officer of the Council to enter the premises for the purpose of inspecting both the premises and/or any relevant documentation held there;
   (e) not permit any person who is drunk, or is behaving in a disorderly manner, to enter or remain upon the premises in respect of which the licence is in force; and
   (f) not permit any person to smoke upon the premises in respect of which the licence is in force~~.~~

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Drivers/Vehicles

5. The Operator shall not employ, engage, instruct or otherwise use as a driver any person who does not have:
   (a) a current UK VOSA driver's licence;
   (b) a current private hire or hackney carriage driver's licence and badge; and
   (c) sufficient insurance to protect passengers in the event of claims for death or bodily injury.
6. When, in the course of business, the Operator makes provision for the invitation or acceptance of bookings for a private hire vehicle, the Operator shall (save where the booking is to be sub-contracted to an Operator in an area outside of the Ribble Valley pursuant to section 55A of the Local Government (miscellaneous provisions) Act 1976) ensure that all services are provided by vehicles and drivers in respect of which a current and valid licence has been issued by Ribble Valley Borough Council (whether the Operator makes provision by use of private hire vehicle(s) or hackney vehicle(s) and/or driver(s)).
7. The Operator shall not service, maintain or repair any private hire vehicle on a public street.

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Employees

~~7.~~ 8. The Operator shall conduct such checks on those that they employ\use within their company/business to satisfy themselves that they are fit and proper people to undertake that task and retain that information to demonstrate compliance to the Council

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Records

8. The Operator shall maintain at the premises particulars of all vehicles operated under their Operator's licence, which shall include the following:

   (a) The call sign or other identifying mark used on booking records;
   (b) The licence plate number;
   (c) The registration number;
   (d) The name and address of the proprietor;
   (e) The names and address(es) of driver(s); and
   (f) The badge number(s) of the driver(s) employ, engaged, instructed or otherwise used by the Operator.

   Upon request the above records shall be produced to or made available for inspection to any authorised officer of the Council or to a Police Officer.

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9. The Operator shall, at the time of booking and before the commencement of each journey, enter on to the record sheets (available from Ribble Valley Borough Council) details of the private hire booking. The details shall include:
   (a) the time and the date of the booking;
   (b) the method by which the booking was received, i.e. telephone or personal call;
   (c) the collection, destination and drop points of the journey;
   (d) the name of the person making the booking;
   (e) the registration number, private hire vehicle or hackney carriage licence number or call sign, identifying the vehicle used for the booking; and
   (f) the name or call sign of the driver.

10. Where a booking is to be sub-contracted to an Operator in an area outside of the Ribble Valley pursuant to section 55A of the Local Government (miscellaneous provisions) Act 1976) the Operator must keep and if requested produce records of any sub-contracted booking as will allow the Council to reasonably investigate any booking as if it had not been sub-contracted.

11. If the licence plate number or call sign is used for the records referred to in condition 7 and 8 above, then a record detailing the vehicle registration number and the plate number or call sign allocated to it and/or the drivers name and the call sign or badge number allocated to them, must be displayed at the Operator's premises.

12. The records shall be kept for a period of not less than twelve months from the date of the last entry or such longer period as required by an authorised officer of the Council and upon request must be produced to and/or made available for inspection to any authorised officer of the Council or to a Police Officer.

13. The Operator must ensure that all computer records are capable of being printed, and must make provision for this to take place upon request by any authorised officer of the Council or Police Officer.

Insurance

14. The Operator shall ensure that an appropriate certificate of motor insurance covers every vehicle operated by him/her under the Licence. The certificate must be produced upon request to any authorised officer of the Council or Police Officer.

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Information as to charges

15. An Operator of a private hire vehicle must not invite or accept bookings for any licensed private hire vehicle or control or arrange a journey to be undertaken by such vehicle without first informing the person making the booking, either orally or in writing, of the basis of charge for the hire of the vehicle.

Statement of fares

16. The Operator shall, if so required, ensure that a statement of fares (in a form previously submitted to and approved by the Council) is fitted and maintained in each licensed private hire vehicle operated under the Licence and in the Operator's premises, in such a position as to be clearly visible at all times to the person making the booking. This statement shall clearly show the following:
    (a) the minimum charge of each hiring (if any);
    (b) the fare tariff;
    (c) the retention charge per minute or portion thereof; and
    (d) any additional charges.

Interference with equipment

17. The Operator shall not interfere with any equipment, including a taximeter, if fitted, attached to or forming part of his licensed private hire or hackney carriage vehicles.

Standard of service

18. The Operator shall provide a prompt, efficient, civil, orderly and reliable service to members of the public at all times and for this shall in particular:
    (a) ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, attend at the appointed time and place;
    (b) keep clean, adequately heated, ventilated and lit any premises which the Operator provides and to which the public has access, whether for the purposes of booking or waiting;
    (c) ensue that any waiting area provided by the Operator has adequate seating facilities;
    (d) ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly;

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(e) respond fully to any complaints as soon as reasonably possible; and

(f) ensure that office staff employed by the Operator act in a civil and orderly manner at all times.

Animals

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19. An Operator must not fail or refuse to accept a booking for the vehicle
    (a) if the booking is requested by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person, and
    (b) the reason for the failure or refusal is that the disabled person will be accompanied by an assistance dog[1].
20. A operator must not make an additional charge for carrying an assistance dog which is accompanying a disabled person.
21. If an Operator does not comply with its obligations set out in 19 and 20 above it will be liable to a fine on summary conviction of Level 3 on the Standard Scale, currently **£1,000**.

Change of name and address

22. The Operator shall notify the Council in writing of any change:
    (a) of his address (including any address from which he operates or otherwise conducts his business as an Operator), within seven days of such change taking place; and
    (b) to the name under which the business operates, during the period of the Licence, seven days before such change takes effect.

Convictions

23. During the term of the licence, the Operator shall as soon as possible but in any event within seven days disclose to the council in writing details of any convictions, or police cautions imposed on him (or if the Operator is a company or partnership, on any of the directors or partners).

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[1] "assistance dog" means—

(a) a dog which has been trained to guide a blind person;

(b) a dog which has been trained to assist a deaf person;

(c) a dog which has been trained by a prescribed charity to assist a disabled person who has a disability that consists of epilepsy or otherwise affects the person's mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects;

(d) a dog of a prescribed category which has been trained to assist a disabled person who has a disability (other than one falling within paragraph (c)) of a prescribed kind.

APPENDIX 4

please ask for: MAIR HILL
direct line: 01200 413216
e-mail: Mair.hill@ribblevalley.gov.uk
my ref: MJH
your ref:
date: 30 October 2018

Dear Sirs

RE: Consultation on adoption of suitability guidance and consequential amendments to policies and procedures

I write to inform you that the Council's Licensing Committee has recently resolved to adopt the Institute of Licensing's guidance on suitability. As a result it is proposed that the Council's policies and procedures be amended to reflect the Guidance. The Council seeks your views upon these amendments.

If you wish to respond with your views on this, please do so in writing using the enclosed form and submitting it to **Diane Rice** at the above address or at **diane.rice@ribblevalley.gov.uk** on or before **Friday 11 January 2019.**

Please contact me or Diane if you have any queries.

Yours sincerely

MAIR HILL
SOLICITOR
RIBBLE VALLEY BOROUGH COUNCIL

To all private hire drivers, operators and vehicle licence holders & all hackney carriage driver and proprietor licence holders.

Ribble Valley
Borough Council
www.ribblevalley.gov.uk

Ribble Valley Borough Council
Adoption of the guidance on suitability / consequential amendments to policies and procedures.

The Council's Licensing Committee discussed this matter on 12 June 2018 and 18 September 2018. Committee was informed that:

- In April 2018, the Institute of Licensing published a document entitled "Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades" ("Guidance"). The Guidance has been produced in conjunction with the Local Government Association (LGA), Lawyers in Local Government and the National Association of Licensing and Enforcement Officers (NALEO) following wide spread consultation.

- The Guidance was produced because there is no recent statutory or ministerial guidance on how Committees, Sub-committee and/or officers should make a determination on whether an applicant or licensee is a 'fit and proper person'. The intention is to provide guidance on determining suitability, taking into account the character of the applicant or licensee and that it be used as a basis for the Council's own policies and in particular how regard should be had to the antecedent history of the applicant or licence holder and its relevance to their 'fitness and propriety' or 'character'. It is intended to help local authorities achieve greater consistency so that applicants are less able to shop between authorities.

- Committee resolved to adopt the Guidance and therefore the Council's policies and procedures have been amended to reflect the Guidance. Those amended documents were approved by Committee on 18 September 2018 and the Head of Legal and Democratic Services was authorised to consult upon them.

- **The main amendments are:**

    - **Taxi Policy – a requirement has been added for all Hackney Carriage proprietors and private hire vehicle licence holders to have a basic DBS certificate before a licence will be granted.**
    - **Convictions policy – the time limits and descriptions of various convictions and the way in which motoring offences will be considered have been amended to reflect the Guidance. A further category of exploitation has also been added.**
    - **Operators conditions – a new condition has been added so that Operators must conduct such checks on those that they employ\use within their company/business to satisfy themselves that they are fit and proper people to undertake that task and retain that information to demonstrate compliance to the Council.**
    - **Hackney Carriage and Private Hire Vehicle conditions - amended to reflect the requirement for a basic DBS certificate.**

Timetable

The Consultation will run from 31 October 2018 to 11 January 2019 and the results will then be reported to Committee.

Copies of the amended documents were included with the report to Committee on 18 September 2018 and can be viewed at :

https://www.ribblevalley.gov.uk/download/meetings/id/6764/agenda_item_7_-_revision_of_taxi_licensing_policy

If you wish to respond with your views, please do this by completing the enclosed form and submitting it to **Diane Rice** at the Council Offices on or before **11 January 2019.**

APPENDIX 5

Response to Consultation on the suitability guidance and consequential amendment of the Council's policies and procedures

I support/do not support the amendments to the Council's policies and procedures	Comments