



Hackney Carriage and Private Hire Licences

Guidelines on Fitness and Propriety

1.0	Purpose of Guidelines
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- 1.1 Licensing issues are dealt with by both Councillors and employees. Employee is defined in the scheme of delegations as authorised by the Regulatory Committee.
- 1.2 This document provides guidance outlining how drivers/proprietors of hackney carriage and private hire vehicles and private hire vehicle operators (operators) can expect to be treated. In particular, but not exclusively it will affect:
- Applicants for licences.
 - Existing licensed drivers, operators and vehicle proprietors whose licences are being renewed or reviewed.
 - Appeals against Local Authority decisions in Magistrates' Court and Crown Court.
- 1.3 Whilst employees and Councillors will have regard to the guidelines, each case will be considered on its individual merits, and where reasonable, the Employees/Committee may depart from the guidelines.
- 1.4 Any decision to suspend, revoke, refuse to grant or renew a licence will be applied to an applicant/licence holder who is considered not to be a 'fit and proper' person. Person includes limited companies and partnerships. The application of the Human Rights Act will be considered carefully **and balanced against the overriding consideration to protect the public**.
- 1.5 The Regulatory Committee (Committee) is concerned to ensure:
- That a person is a fit and proper person.
 - That a person does not pose a threat to the public.
 - That the public are safeguarded from dishonest persons.
 - The safeguarding of children, young and vulnerable persons.
- 1.6 Under the provisions of Sections 51, 55, and 59, Local Government (Miscellaneous Provisions) Act 1976, the licensing authority is required to ensure that an applicant for the grant or renewal of a hackney carriage and/or a private hire vehicle drivers' licence and/or private hire vehicle operator's licence is a 'fit and proper' person to hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the licensing authority will look into:
- How relevant the offence(s) are to the licence being applied for.
 - How serious the offence(s) were.

- When the offence(s) were committed.
- The date of conviction.
- Circumstances of the individual concerned.
- Sentence imposed by the court.
- The applicant's age at the time of conviction.
- Whether they form part of a pattern of offending.
- Any other character check considered reasonable (e.g. personal references).
- Any other factors that might be relevant.

Whilst convictions are to be discussed, the hearing is not an opportunity for the matter to be "re-heard" or appealed. A conviction shows that the person has been found guilty of the offence. If the person disagrees with this, the conviction needs to be appealed to the courts. If the information on a Disclosure and Barring Service (DBS) certificate is incorrect, an appeal to the DBS must be submitted prior to the Council's consideration of the matter.

- 1.7 Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allows the local authority to suspend, revoke or refuse to renew a licence for failure by the licence holder to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause to include where an applicant/licence holder has any convictions, warnings, cautions or charges awaiting trial for offences or behaviour outlined in the guidance and matters referred to in the list above at 1.6 can be considered.
- 1.8 In determining whether a person is fit and proper the licensing authority is entitled to take into account all matters concerning that applicant or licensee. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour and the entire character of the individual will be considered. This can include, but is not limited to, the individual's attitude and temperament.
- 1.9 The Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002, allows the local authority to take into account all convictions recorded against an applicant or the holder of a private hire vehicle or hackney carriage driver's licence, whether spent or not. Therefore, the local authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending.
- 1.10 In this policy the term "disqualification" refers to the period served, in order to take account of the fact that a court may reduce the period of disqualification from driving. An applicant must provide evidence in advance to prove that the court agreed a reduction in the period of disqualification.
- 1.11 In this policy the term 'imprisonment', 'custodial sentence' or 'prison sentence' refers to any period of detention resulting in loss of liberty. For the purposes of calculating the date a licence would be normally granted, suspended sentences are treated as custodial sentences.
- 1.12 In appropriate circumstances a suspension, refusal to renew or revocation may be abated by the licence holder demonstrating to the satisfaction of the Council that they have successfully completed and passed appropriate training which should be evidenced in writing to the Council.

- 1.13 A caution is regarded in exactly the same way as a conviction. This is because a caution can only be imposed following an admission of guilt, which is equivalent to a guilty plea on prosecution. Fixed penalties and community resolutions will also be considered in the same way as a conviction. This is because payment of a fixed penalty indicates acceptance of guilt and a community resolution can only be imposed following an admission of guilt.
- 1.14 It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the licensing authority. We are able to do this because the processes in which the applications are determined are a civil process and decisions are based on the balance of probability. Complaints or investigations where there is no police involvement will also be considered. Any references to 'conviction' in this policy also includes matters that amount to criminal behaviour, but which have not resulted in a conviction.
- 1.15 In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination **may** be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the licensing authority to decide what action to take in the light of these guidelines.
- 1.16 Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features and the fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors.
- 1.17 Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references or failure to disclose in full information requested by the licensing authority, to include on the application for a licence) will normally result in a licence being refused, or if already granted, revoked and may result in prosecution.
- 1.18 As the direct impact on the public varies depending upon the type of licence applied for or held, it is necessary to consider the impact of particular offences on those licences separately. However, there are some overriding considerations which will apply in all circumstances.
- 1.19 A driver has responsibility for the safety of their passengers, and significant control over passengers who are in the vehicle. As those passengers may be alone and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.
- 1.20 Decision officers will use the following test to determine whether a driver licence applicant or holder is fit and proper:

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

If, on the balance of probabilities, the answer to the question is no, the individual should not hold a licence.

Private Hire Vehicle Operators

- 1.21 A private hire vehicle operator ("an operator") in performing their duties obtains and holds considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others or used by the operator or their staff for criminal or other unacceptable purposes.
- 1.22 Operators shall ensure that any staff that are used within the business (whether employees or independent contractors) and are able to access any information as described above are subject to the same standards as the operator themselves. This can be done by means of the individual staff member being required by the operator to obtain a basic DBS certificate. If an operator is found not to be applying the required standards and using staff that do not meet the licensing authority's overall criteria, that may lead to the operator's licence being revoked.
- 1.23 Decision officers will use the following test to determine whether a private hire vehicle operator licence applicant or holder is fit and proper:

Without any prejudice, and based on the information before you, would you ~~trust this person to correctly administer their business, adhere to data protection laws, employ fit and proper workers, identify risks affecting those workers and others, then implement measures to reduce those risks, as well as not using the licence to facilitate illegal activities~~ be comfortable providing sensitive information, such as holidays plans, movement of your family or other information to this person, and feel safe in the knowledge that such information would not be used or passed on for criminal or unacceptable purposes?

If, on the balance of probabilities, the answer to the question is no, the individual should not hold a licence.

Vehicle Proprietors

- 1.2~~4~~² Vehicle proprietors must ensure that the vehicle is maintained to an acceptable standard at all times and they must ensure that the vehicle is not used for illegal or illicit purposes.
- 1.2~~5~~³ Decision officers will use the following test to determine whether a vehicle licence applicant or holder is fit and proper:

Without any prejudice, and based on the information before you, would you trust this person to maintain a mechanically safe and insured vehicle used only for legal purposes, including a business of allowing others to use this vehicle?

If, on the balance of probabilities, the answer to the question is no, the individual should not hold a licence.

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2.0	Relevant Convictions, Cautions/Fixed Penalties/Community Resolutions / Offence(s) and all relevant information received
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2.1 New Applicants

2.1.1 A conviction/caution or relevant information relating to the alleged committing of an offence falling within any of the categories outlined in Section 5.0 of this document will result in a new applicant for a hackney carriage or private hire vehicle driver's/operator's licence being referred to the employees to determine the application.

2.2 Existing Licence Holders

2.2.1 A conviction/caution or relevant information relating to the alleged committing of an offence falling within any of the categories outlined in Section 5.0 of this document will result in an existing hackney carriage or private hire driver's/proprietor's/operator's licence being referred to employees to determine a course of action detailed in Section 5.0 below. (In the event of a serious breach or allegation in respect of a licensed operator, the matter will be referred to Committee for consideration).

2.2.2 In cases where it is in the interests of public safety, the employees or Councillors may suspend, or revoke a driver's licence with immediate effect following a review. In such cases a statement that this is so and an explanation will be given as to why it is in the interests of public safety to suspend, or revoke immediately and suspension/revocation takes effect when the notice is given to the driver.

3.0	Complaints
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3.1 A complaint relating to the conduct of a licensee may, depending on the severity of the allegations, result in a written warning, suspension, requirement to complete training, refusal to renew or revocation of the licence.

4.0	Further Guidance
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4.1 Where an application is made for a new licence, and the applicant has previously held a hackney carriage or private hire drivers, proprietors or operator's licence or on review of an existing licence and relevant convictions have previously been considered in decision making by the Local Authority in connection with any further or existing licence any decision on a new application or on review will normally be made by the employees or Regulatory Committee, with reliance only on any relevant convictions, cautions or behaviour which have arisen since any previous application or review. However, there will be occasions when previously considered convictions, cautions or behaviour will be of value and can be referred to in order to indicate a pattern of behaviour which may result in them again being considered in decision making particularly if they are of a similar nature to those which have arisen since any previous application or review.

Patterns of repeated unacceptable behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for unacceptable behaviour.

- 4.2 Normally an applicant or licence holder whose application/licence is subject to a formal review hearing will be advised in writing and/or by email of the date and time of the meeting. They have the right to appear in person at the hearing to give verbal or written information in support of the application/licence and to be represented if required. If the applicant or licence holder fails to attend the review hearing without reasonable excuse, the determination or review may proceed in their absence. Hearings may be held online via Microsoft Teams.
- 4.3 In all cases involving suspension, revocation and refusal to grant or renew the applicant or licence holder has the right to appeal against the decision of the Regulatory Committee or the employees through the Magistrates' Court.
- 4.4 For the avoidance of doubt where a person is sentenced to a period of imprisonment or detention at a Young Offenders Institution reference to expiry of sentence shall be deemed to mean expiry of the actual term imposed and not any earlier release date.
- 4.5 Any person who has been cautioned for an offence will be dealt with using the criteria relating to convictions.
- 4.6 Decisions will normally be made in accordance with these guidelines; however, each case will be decided on its merits. Regard will be had to:
 - (a) The nature of the offence.
 - (b) The age of the individual concerned at the date of the offence.
 - (c) Whether the driver was acting as a private hire or hackney carriage driver at the time. In the case of an operator, whether the operator was acting in the course of business as a private hire operator at the time.
 - (d) Any other relevant circumstances.

There will be no regard to personal or financial circumstances when determining whether a person is fit and proper.

Dependant on the facts and where deemed appropriate, the employees may make a decision contrary to that suggested by the guidelines or where appropriate refer a matter to Councillors of the Licensing Sub-Committee for decision. Where decisions are made which are contrary to the guidelines or where the matter is referred to the Licensing Sub-Committee employees will give reasons for this.

- 4.7 Any list of offences outlined in section 5.0 of this report, show examples of the type of offence in a particular category. The lists are not exhaustive and offences outside of these examples may be considered by the employees/Committee.
- 4.8 Hackney carriage and private hire vehicle drivers' English must be sufficient to understand written documents, such as policies and guidance, including any relating to the protection of children and vulnerable adults. They must be able to identify and act upon signs of potential exploitation through communicating with passengers and their interaction with others. Drivers are required to demonstrate an

understanding of the desired destination, an estimation of the time taken to get there as well as other common passenger requests and for the driver to provide a legibly written receipt upon request. Inadequate English may result in refusal to grant or renew, suspension or immediate revocation of a licence.

4.9 In order for an applicant or licence holder to be considered a fit and proper person to hold a licence their standard of driving should be at a satisfactory level. This level is to be determined by the Local Authority and in appropriate cases further driver training assessment may be deemed necessary at the applicant's or licence holder's own expense. Evidence of driving ability which is below the satisfactory level required may result in refusal to grant or renew, suspension or revocation of a licence.

4.10 Applicants or licence holders may be required to undertake additional medical testing at the request of the Council at their own expense and this may be required at short notice. Failure to book or attend the appointment may result in the is licence being refused, suspended, ~~or~~ revoked or refused renewal.

4.11 All driver licence applicants and holders must complete the council's driver training programme as required by the Council. An existing driver who fails the training programme will normally have their licence revoked or refused renewal.

5.0 Determination of Action to be Taken

5.1 In determining the course of action to be taken in connection with an application for a hackney carriage, proprietor or driver licence, private hire vehicle, driver or operator licence or the review of an existing driver's licence or operator's licence, or proprietor's licence the following sanctions will be applied as a guide. In all cases where it is possible to calculate two or more different periods of time, the calculation which results in the longer period shall be used or both periods of time may be considered consecutively or concurrently at the discretion of the employees/Councillors.

5.1.1 Minor Traffic Offences

The Regulatory Committee takes driving offences very seriously, particularly when the applicant displays a pattern of offences.

- (a) Single offences resulting in a maximum of 3 current penalty points relevant for 'Totting Up' purposes as outlined at 5.1.2 – Issued with written warning. A new licence will normally be granted with a warning.
- (b) Repeat offences resulting in a combined total of 6 current penalty points or more relevant for 'Totting Up' purposes as outlined at 5.1.2 – will normally revoke or refuse to renew. A new licence will not normally be granted for 5 years. If the points relate to offences committed behind the wheel, A road risk assessment may will have to be satisfactorily completed prior to a licence being granted at the applicant's or licence holder's own expense. Licensees may abate a licence review for first offences if they attend a road risk assessment, offered at the Council's discretion and at the driver's expense, in advance.

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5.1.2 Driving Licence Disqualification or Revocation

A disqualification from driving is treated most seriously for applicants and licence holders of Hackney Carriage and Private Hire Driver licences.

Drivers may be disqualified for certain offences, such as those in guideline 5.1.4.

Drivers may be disqualified from driving if the total number of driving licence penalty points reaches 12 or more ~~within 3 years the driver is liable to be disqualified from driving~~ under the “Totting Up” procedure. If the licence has been held for less than two years, the licence may be revoked upon receiving 6 penalty points or more.

It should be noted that licence holders who received 12 penalty points or more but are not disqualified from driving (for example, due to exceptional hardship) will still normally have their Hackney Carriage or Private Hire Driver licence revoked. Exceptional hardship is not a relevant consideration in determining what action a licensing authority should take.

Where a driving licence has been revoked on medical grounds, applicants for a Hackney Carriage or Private Hire Driver licence will be required to undergo medical testing. Satisfactory results will normally result in a licence being granted.

- (a) *First offence* – will normally revoke or refuse to renew. A new licence will not normally be granted for 7 years following the expiration of the disqualification period or if not disqualified 7 years from the date of the conviction, caution or in the absence of these the date of the offence or relevant incident and a road risk assessment, at the applicant’s or licence holder’s own expense, may have to be satisfactorily completed prior to a licence being granted.
- (b) *Repeat offences* – will normally revoke or refuse to renew. A new licence will not normally be granted.

5.1.3 Major Traffic Offences ~~(Other than drink driving and drug offences)~~

A major traffic offence is a road traffic offence (other than for totting ~~and drink driving~~) that can result in four or more penalty points and/or a period of disqualification and/or imprisonment.

For the purpose of these guidelines the following motor offences are classed as ‘Major Traffic offences’. However, this is not an exhaustive list.

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
CD10	Driving without due care and attention

DD40	Dangerous driving
IN10	Using a vehicle uninsured against third party risks
LC20	Driving otherwise than in accordance with a licence
LC30	Driving after making a false declaration about fitness when applying for a licence
LC40	Driving a vehicle having failed to notify a disability
LC50	Driving after a licence has been revoked or refused on medical grounds
MS50	Motor racing on the highway
MS60	Offences not covered by other codes
MS90	Failure to give information as to identity of driver, etc.
UT50	Aggravated taking of a vehicle

- (a) *First offence* – will normally revoke or refuse to renew. A new licence will not normally be granted for 7 years following the expiration of the disqualification period or if not disqualified 7 years from the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of offence or relevant incident.
- (b) *Repeat offences* – will normally revoke or refuse to renew. A new licence will not normally be granted for 12 years following the expiration of the last disqualification period or if not disqualified 12 years from the date of the most recent conviction, caution, expiry of a prison sentence or in the absence of these the date of offence or relevant incident.

For the purpose of this guideline repeat offences can also include a situation where an applicant or licence holder has a conviction/caution or there is other information which relates to an incident of driving whilst under the influence under guideline 5.1.4.

5.1.4 ~~Drink Driving Offences and~~ Driving under the Influence of Drink and Drugs

Any drink driving or drug related driving offence is treated very seriously by the Local Authority. An offence of this nature is highly relevant to the individual's role as a ~~hackney carriage or private hire driver~~licence holder.

All applicants who have a conviction for this category of offence will be subject to medical testing, at the applicant's own expense, before the application is considered complete. This includes any spent convictions and convictions outside of the timescales below.

Those with convictions for this category of offence will be tested for any current alcohol dependency. Those with drug convictions will be tested for any illegal drugs use. Testing is required for each drug the person was under the influence of. Where testing was unable to establish what the driver was under the influence of, they will be required to test for alcohol dependency and cocaine use.

For the purpose of these guidelines the following motor offences are relevant. However, this is not an exhaustive list.

DG10	Driving or attempting to drive with drug level above the specified limit
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 then refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity
DR40	In charge of a vehicle while alcohol level above limit
DR50	In charge of a vehicle while unfit through drink
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive
DR61	Refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity in circumstances other than driving or attempting to drive
DR70	Failing to co-operate with a preliminary test
DR80	Driving or attempting to drive when unfit through drugs

- (a) *First offence* – will normally revoke or refuse to renew. A new licence will not normally be granted for 7 years following the expiration of the disqualification period or if not disqualified 7 years from the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of offence or relevant incident.
- (b) *Repeat offences* – will normally revoke or refuse to renew. A new licence will not normally be granted for 12 years following the expiration of the last disqualification period or if not disqualified 12 years from the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of offence or relevant incident.

For the purpose of this guideline repeat offences can also include a situation where an applicant or licence holder has a conviction/caution or there is other information which relates to a major traffic offence under guideline 5.1.3.

5.1.5 Anti-Social Behaviour and Public Order Offences

~~Drivers of hackney carriages and private hire vehicles~~ Licence holders should display a measured and calming manner in the face of provocation and difficult situations.

- (a) *First offence* – will normally suspend for up to 6 months or refuse to renew. A new licence will not normally be granted for 2 years following the date of

conviction, caution, expiry of a prison sentence or in the absence of these the date of offence or relevant incident.

- (b) *Repeat offences* – will normally revoke or refuse to renew. A new licence will not normally be granted for 5 years following the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of offence or relevant incident.

5.1.6 Alcohol Abuse, Misuse or Dependency and Drug Use, Related Offences

All applicants who have a conviction for drunkenness or drugs possession Possession of illegal drugs or other drug related offences (excluding in relation to guideline 5.1.7), the applicant will normally be required, at their own expense, to satisfy the Local Authority that they are free of addiction subject to a licence being granted. will be subject to medical testing, at the applicant's own expense, before the application is considered complete. This includes any spent convictions and convictions outside of the timescales below.

Those with convictions for drunkenness will be tested for any current alcohol dependency. Those with drug convictions will be tested for any illegal drugs use. Testing is required for each drug the person was in possession of.

- (a) *First offence* – will normally revoke or refuse to renew. A new licence will not normally be granted for 5 years following the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of offence or relevant incident or date of evidenced dependency.
- (b) *Repeat offences* – will normally revoke or refuse to renew. A new licence will not normally be granted for 7 years following the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of offence or relevant incident or date of evidenced dependency.

5.1.7 Dealing/Manufacture/Supply/Possession with Intent to Supply Drugs

Due to the nature of work carried out in the hackney carriage and private hire industry, the dealing, manufacture or supply of drugs is treated very seriously and will normally preclude a licence being issued for a considerable time.

- (a) *First offence* – will normally revoke or refuse to renew. A new licence will not normally be granted for 10 years following the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of offence or relevant incident.
- (b) *Repeat offences* – will normally revoke or refuse to renew. A new licence will not normally be granted.

5.1.8 Public - Indecency Offences

Public indecency relates to an act or display which is obscene or disgusting to an extent which outrages minimum standards of public decency in contemporary society and is in a place accessible to or in view of the public.

Indecency offences of a sexual nature will normally be dealt with under the Sexual Offences Guidelines [\(5.1.9\)](#).

The holder of a proprietors, operators and/or private hire or hackney carriage driver's licence are in a position of trust and hackney carriage/private hire drivers often work in isolation with members of society. Therefore, any offence for indecency is treated very seriously.

- (a) *First offence* – will normally revoke or refuse to renew. A new licence will not normally be granted for 7 years following the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of offence or relevant incident.
- (b) *Repeat offences* – will normally revoke or refuse to renew. A new licence will not normally be granted for 12 years following the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of offence or relevant incident.

5.1.9	Sexual Offences
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The holder of a proprietor's, operator's and/or private hire or hackney carriage driver's licence are in a position of trust and hackney carriage/private hire drivers often work in isolation with members of society.

The Local Authority seeks to minimise risks associated with these persons and for that reason a more serious view will be taken where sexual offences and inappropriate sexualised behaviour is believed to have occurred. This includes, but is not limited to, all offences under the Sexual Offences Act 2003, as amended. Decisions relating to the determination of an application or review of an existing licence may be informed by discussions with the Police and/or Local Authority Designated Officers.

The licensing authority will not normally grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list, even where their inclusion is under appeal.

Any offence(s)/conviction(s)/caution(s) or behaviour of a sexual nature against any person will normally result in revocation or refuse to renew. A new licence will not normally be granted.

5.1.10	Dishonesty
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All applicants and licence holders are expected to be persons of trust. For these reasons a serious view is taken of any offences or behaviour involving dishonesty.

For the purpose of these guidelines the following offences are classed as 'Dishonesty', however, this is not an exhaustive list:

- Theft.
 - Burglary.
 - Fraud.
 - Benefit fraud (including offences under Section 111A and 112 of the Social Security Administration Act 1992).
 - Handling or receiving stolen goods.
 - Forgery (e.g. producing false insurance policy).
 - Conspiracy to defraud.
 - Obtaining money or property by deception.
 - Bribery or attempting to bribe.
 - ~~Immigration related offences.~~
 - Perverting the course of justice.
 - Other deception.
- (a) *First offence* – will normally revoke or refuse to renew. A new licence will not normally be granted for 7 years following the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of offence or relevant incident.
- (b) *Repeat offences* – will normally revoke or refuse to renew. A new licence will not normally be granted for 12 years following the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of offence or relevant incident.

5.1.11	Obstruction of Police Officer/Authorised Officer/Immigration Officer (to include failure to surrender to bail and breach of probation requirements)
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~~These offences demonstrate a lack of compliance with legal requirements.~~

- (a) *First offence* – will normally ~~suspend for up to 6 months~~ revoke or refuse to renew. A new licence will not normally be granted for ~~6 months~~ 7 years following the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of offence or relevant incident.
- (b) *Repeat offences* – will normally revoke or refuse to renew. A new licence will not normally be granted for ~~5 years~~ 12 years following the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of offence or relevant incident.

5.1.12	Violence
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For the purpose of these guidelines the following are classed as 'violent offences', however, this is not an exhaustive list and behaviour of violent nature is included in this guideline:

- Affray.
 - Battery.
 - Common assault.
 - Criminal damage.
 - Possession of offensive weapon.
 - S4 Public Order Act 1986 (fear of provocation of violence).
 - S4A Public Order Act 1986 (intentional harassment, alarm or distress).
 - S5 Public Order Act 1986 offence or distress/harassment, alarm.
 - Violence against animals
 - Witness, juror or judge intimidation or interference.
 - Other violent offences.
- (a) *First offence* – will normally revoke or refuse to renew. A new licence will not normally be granted for 10 years following the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of offence or relevant incident.
- (b) *Repeat offences* – will normally revoke or refuse to renew. A new licence will not normally be granted for 12 years following the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of offence or relevant incident.

For the purpose of this guideline repeat offences can also include a situation where an applicant or licence holder has a conviction/caution or there is other information which relates to one incident of violence together with one incident of serious violence defined under guidelines 5.1.12 and 5.1.13.

5.1.13	Violence (Serious)
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For the purpose of these guidelines the following are classed as 'serious violent offences', however, this is not an exhaustive list:

- Arson
- Malicious wounding or grievous bodily harm
- Actual bodily harm
- Racially aggravated
- Grievous bodily harm with intent
- Robbery
- Possession of firearm
- Riot
- Assault Police
- Violent disorder
- Resisting arrest
- Kidnapping
- False imprisonment
- Wounding
- Other serious violence

- (a) *First offence* – will normally revoke or refuse to renew. A new licence will not normally be granted for 10 years following the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of offence or relevant incident.
- (b) *Repeat offences* – will normally revoke or refuse to renew. A new licence will not normally be granted.

For the purpose of this guideline repeat offences can also include a situation where an applicant or licence holder has a conviction/caution or there is other information which relates to one incident of violence together with one incident of serious violence defined under guidelines 5.1.12 and 5.1.13.

5.1.14	Offences or unlawful act resulting in Loss of Life or with the Intent to Cause Loss of Life
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A conviction or caution for the following offences would normally preclude the applicant / licence holder from holding a licence due to the nature of the work involved. For the purpose of these guidelines, the following are offences resulting in loss of life or intent to cause loss of life:

- Murder
- Manslaughter
- Manslaughter or culpable homicide while driving
- Attempted murder
- Corporate manslaughter
- Causing death by dangerous driving
- Causing death by careless driving when under the influence of drink or drugs or having failed either to provide a specimen for analysis or to permit analysis of a blood sample.

This is not an exhaustive list.

Any offence(s)/conviction(s) / cautions of a similar nature resulting in loss of life or intent to cause loss of life will normally result in revocation or refusal to renew. A new licence will not normally be granted.

5.1.15	Terrorism
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Terrorism means the use or threat of action where designed to influence the Government or an international governmental organisation or to intimidate the public or a section of the public, for the purpose of advancing a political, religious or ideological cause.

‘Action’ includes serious violence against a person, serious damage to property, endangering a person’s life, other than that of the person committing the action, creating a serious risk to the health or safety of the public or a section of the public, or an act designed to seriously interfere with or seriously to disrupt an electronic system, or the use of firearms or explosives.

This also includes any offence, act or omission linked to a terrorism offence.

Any offence(s)/conviction(s) / cautions relating to terrorism will normally result in revocation or refusal to renew. A new licence will not normally be granted.

5.1.16 Hate Crime

A hate crime is any criminal offence that is motivated by hostility or prejudice based upon the victim's disability, race, sexual orientation, transgender, religion or belief.

- (a) *First offence* – will normally revoke or refuse to renew. A new licence will not normally be granted for 7 years following the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of offence or relevant incident.
- (b) *Repeat offences* – will normally revoke or refuse to renew. A new licence will not normally be granted.

5.1.17 Plying/Standing for Hire

Convictions for plying/standing for hire and related no insurance offences show that a driver is unable to work within the legal restrictions of a private hire/hackney carriage driver's licence. Offences of this nature generally result in passengers being uninsured during the journey.

- (a) *First offence* – will normally revoke or refuse to renew. A new licence will not normally be granted for 7 years following the date of conviction, caution or in the absence of these the date of offence or relevant incident.
- (b) *Repeat offences* – will normally revoke or refuse to renew the private hire or hackney carriage driver's licence. A new licence will not normally be granted for 12 years following the date of conviction, caution or in the absence of these the date of offence or relevant incident.

5.1.18 Non-Disclosure/Late Disclosure of Relevant Information

Declarations of information as required by the licensee's conditions are vitally important in order for the Local Authority to review the suitability of licence holders. Failure to declare any of the above can result in unsuitable drivers holding a licence.

- (a) *First offence* – will normally suspend for up to 2 months or refuse to renew. A new licence will not normally be granted for 2 months from the date of revocation or refusal to renew.

This may be abated by completion of a targeted enhanced training course relevant to the breach and will be subject to the driver's/proprietor's own expense.

- (b) *Second offence* – will normally suspend for up to 6 months or refuse to renew. A new licence will not normally be granted for 6 months from the date of revocation or refusal to renew.
- (b) *Three or more offences* – will normally revoke or refuse to renew. A new licence will not normally be granted for 3 years from the date of revocation or refusal to renew.

5.1.19 Breach of Licence Conditions / Byelaws

Licences are issued with conditions and byelaws, applying to them; this is to ensure that the trade operates in a fair and consistent manner. Breaches of conditions/byelaws can result in poor service to customers. Serious breaches of conditions/byelaws will result in a review. A review will also normally be called where a driver/proprietor/operator has persistently breached conditions, in accordance with Regulatory Services enforcement policy.

Where this relates to a driver failing to evidence continuous subscription to the DBS Update Service, the suspension may be up until the expiry date of the licence, or until a new DBS certificate is provided.

- (a) *First offence* – will normally suspend for up to 2 months or refuse to renew. A new licence will not normally be granted for 2 months from the date of revocation or refusal to renew.

This may be abated by completion of a targeted enhanced training course relevant to the breach and will be subject to the driver's/proprietor's/operator's own expense.

- (b) *Second offence* – will normally suspend for up to 6 months or refuse to renew. A new licence will not normally be granted for 6 months from the date of revocation or refusal to renew.
- (c) *Three or more offences* – will normally revoke or refuse to renew. A new licence will not normally be granted for 3 years from the date of revocation or refusal to renew.

5.1.20 Any other relevant offences (including 'touting', using/operating private hire vehicles without a licence, offences under the Local Government (Miscellaneous Provisions) Act 1976, Town Police Clauses Act 1847), as well as regulatory offences under any other regime

- (a) *First offence* – will normally ~~suspend for up to for 12 months~~ revoke or refuse to renew. A new licence will not normally be granted for ~~3-7~~ 7 years following the date of conviction, caution or in the absence of these the date of offence or relevant incident.
- (b) *Repeat offences* – will normally revoke or refuse to renew. A new licence will not normally be granted for ~~7-10~~ 7 years following the date of conviction, caution or in the absence of these the date of offence or relevant incident.

5.1.21	Physical Fitness and Medical Conditions
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Applicants for a hackney carriage and/or private hire driver licence must satisfy the medical fitness standards issued by the Driver and Vehicle Licensing Agency (DVLA). The agreed standard is the Group 2 Standard for vocational drivers.

- (a) In the case of a new application or an application to renew a licence, if the applicant fails to meet the required medical standard the licence will normally be refused. A new licence will not normally be granted for one year after the date of the medical examination or any period advised by an approved medical practitioner.
- (b) In the case of existing licence holders, if a person has a medical condition which falls below the standard outlined in the Group 2 Standard of the published medical standards or they fail to attend medical testing at the request of the Council, the licence may be suspended, revoked, or the renewal of a licence refused, dependent on the nature of the condition along with any recuperation or rehabilitation periods.

5.1.22	Investigation of Serious Offences (involving violence, sexual offences, child sexual exploitation, safeguarding etc.)
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Where information is received in relation to an existing licence holder or a new applicant from the Police or other enforcement bodies that an individual(s) are under investigation or have been under investigation for a matter that relates to any of the offences outlined in sections 5, the Local Authority may consider the information provided and take action in relation to the information provided. This may mean a licence is suspended, revoked, a renewal of a licence or a new licence is refused. The power to suspend or revoke immediately as set out in section 2.2.2 may also be used in these circumstances if it is in the interests of public safety.

5.1.23	Breach of Requirements as to Control of the Vehicle, such as using a Mobile Phone etc
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This type of offence is treated very seriously as it increases the likelihood of an accident.

- (a) *First offence* – will normally revoke or refuse to renew. A new licence will not normally be granted for 7 years following the expiration of the disqualification period or if not disqualified 7 years from the date of conviction, caution or in the absence of these the date of offence or relevant incident.
- (b) Repeat offences – will normally revoke or refuse to renew. A new licence will not normally be granted for 12 years following the expiration of the last disqualification period or if not disqualified 12 years from the date of conviction, caution or in the absence of these the date of offence or relevant incident.

5.1.24	Health Act
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A hackney carriage or private hire licence is a badge of approval, it states the Local Authority feels the holder is fit and proper and suitable in every way. The standard of behaviour and level of trust expected should be demonstrated in the conduct of those licensed at all times.

Drivers must not smoke (including vaping/e-cigarettes) in a licensed vehicle. Any offence under this act can risk the health of both the driver and passengers.

- (a) *First offence* – will normally suspend for up to 6 months. A new licence will not normally be granted for 6 months following the date of conviction, caution or in the absence of these the date of offence or relevant incident.
- (b) *Repeat offences* – will normally revoke or refuse to renew. A new licence will not normally be granted for 3 years following the date of conviction, caution or in the absence of these the date of offence or relevant incident.

5.1.25	Conduct of Applicants / Licence Holders
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A hackney carriage or private hire licence is a badge of approval, it states the Local Authority feels the holder is fit and proper and suitable in every way. The standard of behaviour and level of trust expected should be demonstrated in the conduct of those licensed at all times. This includes when drivers are operating beyond the boundary of the licensing authority, where drivers are expected to co-operate with reasonable requests from compliance staff authorised in other areas.

If the applicant or driver/proprietor/operator licence holder's behaviour falls below that expected from a licence holder the following will apply;

- (a) *First instance* – will normally suspend for up to 12 months or refuse to renew. A new licence will not normally be granted for 12 months following a relevant incident or the outcome of any review hearing in relation to the incident, whichever is the later.
- (b) *Repeat instance* – will normally revoke or refuse to renew. A new licence will not normally be granted for 3 years following a relevant incident or the outcome of any review hearing in relation to the incident, whichever is the later.

It should be noted that conduct is a wide-open area and as such there may be occasions where one incident falls so far below the standards expected that a refusal, revocation, suspension or refusal to renew is felt the appropriate course of action, even in the first instance. This may include factors such as improper conduct in other areas, the severity of the conduct, the involvement of passengers or other aggravating factors.

5.1.26	Driving Standards
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Applicants/drivers of hackney carriage and/or private hire driver's licences must satisfy the Local Authority they are able to drive at a standard that meets the National Standard of driving.

If the applicant/driver's standard of driving falls below that expected of a licence holder the following will apply:

- (a) *First instance* – will normally suspend until outcome of occupational competence/road risk assessment, revoke or refuse to renew. A new licence will not normally be granted for 6 months following the outcome of any review hearing in relation to any incident relating to driving standards. Licensees may abate a licence review for first offences if they attend a road risk assessment, offered at the Council's discretion and at the driver's expense, in advance.
- (b) *Repeat instances* – will normally revoke or refuse to renew. A new licence will not normally be granted for 3 years following the outcome of any review hearing in relation to any incidents relating to driving standards.

5.1.27 Immigration ~~Status~~Offences

Applicants/licence holders must satisfy the Local Authority that they have a right to work in the UK.

~~In the case of a new application or an application to renew a licence, if Failure of at the licence applicant fails to provide satisfactory documentary evidence from the Home Office of a legal right to work in the UK, whilst performing the licensable activity, as a Hackney Carriage and or/Private Hire Vehicle driver and failure to do so will result in refusal of any application.~~

~~Failure by of an existing licence holder to provide satisfactory documentary evidence from the Home Office of a legal right to work in the UK, whilst performing the licensable activity, as a Hackney Carriage and or/Private Hire Vehicle driver will result in revocation.~~

~~For the purpose of these guidelines the following are classed as 'Immigration Offences, however, this is not an exhaustive list:~~

- ~~Absconding~~
- ~~Breach of Deportation Order~~
- ~~Deception (Immigration Act 1971 s24A)~~
- ~~Entering the United Kingdom without a passport~~
- ~~Facilitation offences, including 'Assisting unlawful immigration to the UK' (s25) and 'Helping asylum seekers to enter the UK' (s25A) of the Immigration Act 1971~~
- ~~Failing to co-operate with the re-documentation process~~
- ~~Illegal / Unauthorised working / employment~~
- ~~Knowingly arriving in the United Kingdom without valid entry clearance~~
- ~~Knowingly entering the United Kingdom without leave~~
- ~~Obstructing an immigration officer~~
- ~~Possession of false identity documents~~
- ~~Wrongful disclosure~~

Any immigration offence(s)/conviction(s)/caution(s) will normally result in revocation or refuse to renew. A new licence will not normally be granted.

~~Where an applicant or licence holder has been convicted of, or cautioned in relation to, an immigration related offence, guideline 5.1.10 will apply.~~

5.1.28	Duties to Disabled People - Equality Act 2010
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Licence holders have significant duties to disabled people under the Equality Act, as amended by the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022. The Council medical exemption certificates issued in accordance with Section 171 of the Equality Act must be displayed in accordance with the Council's instructions. Private Hire Vehicle Drivers have a responsibility to ensure that their operator is aware of such a medical condition when they are first employed. Breach of this condition is deemed serious and therefore shall normally result in revocation.

- (a) First instance - A new licence will not normally be granted for 7 years following the date of conviction, caution or in the absence of these the date of offence or relevant incident or the outcome of any review hearing in relation to the incident, whichever is the later. The power to suspend or revoke immediately as set out in 2.2.2 may also be used in these circumstances if it is in the interests of public safety.
- (b) Repeat offences - will normally revoke or refuse to renew. A new licence will not normally be granted.

5.1.29 Environmental Crime Act

A hackney carriage or private hire licence is a badge of approval, it states the Local Authority feels the holder is fit and proper and suitable in every way. The standard of behaviour and level of trust expected should be demonstrated in the conduct of those licensed at all times.

- (a) *First offence* – will normally suspend for up to 6 months. A new licence will not normally be granted for 6 months following the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of offence or relevant incident.
- (b) *Repeat offences* – will normally revoke or refuse to renew. A new licence will not normally be granted for 3 years following the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of offence or relevant incident.

5.1.30 Exploitation

This includes behaviour 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.

For the purpose of these guidelines, the following are offences/situations of exploitation, however, this is not an exhaustive list:

- Abuse
- Child criminal exploitation
- Child sexual abuse/exploitation
- Criminal harassment
- Coercive control
- Cuckooing
- Exploitation
- Forced marriage
- Grooming
- Possession, making or distribution of child sexual exploitation material
- Psychological, emotional or financial abuse
- Sexual exploitation (including trafficking)
- Slavery
- Stalking
- Trafficking

Any offence(s)/conviction(s)/caution(s) or behaviour of an exploitative nature against any person will normally result in revocation or refusal to renew. A new licence will not normally be granted.

Private Hire Driver Licence Conditions

Notification of Information to the Licensing Authority

1. The driver must notify the licensing authority within 48 hours of any changes to their name, address, telephone number or email address.
2. The driver must notify the licensing authority within 48 hours of any:
 - a. Arrest, police investigation, charge, bail conditions, bail extension, summons, conviction (including foreign convictions), caution, warning, voluntary interview or interview under caution, child abduction warning notice, domestic violence prevention order, anti-social behaviour order, fixed penalty notices or community resolution for any offence.
 - b. A notice of intended prosecution, driving licence points and/or endorsements.
 - c. Revocation of a driving licence or disqualification from driving.
 - d. Public Service Vehicle (PSV) Operator licence written warning, refusal, suspension or revocation.
 - e. Invitation to attend a licence review or licence refusal, suspension or revocation by any other licensing authority. If the other licence is suspended or revoked immediately, the Licensing Authority must be notified immediately.
 - f. Addition to the DBS Children's or Adults' Barred List. The driver must not undertake any journeys if they are on a Barred List.
 - g. Receipt of a certificate of good conduct/character, or reference in place of those documents.

The driver must make this notification themselves, even if a third party has already notified the licensing authority of the information.

3. In the case of a medical condition that requires notification to the DVLA or means that the driver no longer meets DVLA Group 2 standard, the driver must stop driving immediately and report the matter to the licensing authority.
4. The driver must ensure that they are recognisable from the picture on their driver licence badge by customers and authorised officers. Where the driver's appearance changes substantially or an authorised officer directs it, a new badge must be purchased with a current photograph.
5. The driver must report the loss of their badge to the authority within 48 hours and purchase a replacement.
6. Each day, before taking charge of the vehicle, the driver must undertake a walkaround check as prescribed by the licensing authority. The walkaround check must be recorded and produced to an authorised officer on request. Records must be kept for a minimum of 15 months.
7. Whilst driving a private hire vehicle, the driver must be able to provide proof, to a police officer or authorised officer of any licensing authority, of hire and reward insurance.

8. The driver is required to evidence continuous registration with the DBS Update Service and have the licensing authority nominated as an authority to view their DBS certificate status during the life of this licence. Where a driver is unable to subscribe to the Update Service, a new enhanced DBS certificate must be provided every six months.
9. Should the driver's certificate status on the DBS Update Service change, or the holder change their name, the driver is required to provide evidence to the Licensing Authority that they have applied for a new DBS certificate within 48 hours.
10. The driver must provide any DBS certificates, issued for the position of 'Other workforce – taxi driver' to the licensing authority within 48 hours of receipt.
11. The driver must not undertake any journeys if the licensing authority does not have permission to check the status of the driver's DBS certificate.

Conduct

12. The driver must carry the licence badge issued by the licensing authority on the authority's issued lanyard at all times whilst driving a Private Hire Vehicle. The driver must wear the licence badge around their neck, with the driver's name and photo visible, whilst undertaking private hire work.
13. The driver must not request or retain any personal contact information or attempt to establish a personal relationship with passengers.
14. The driver must not use any offensive, abusive, profane, insulting, discriminatory language or behaviour but shall behave in a civil and orderly manner, as well as co-operating with reasonable requests from officers authorised by other licensing authorities. The driver of a Private Hire Vehicle must permit the vehicle to be inspected by an authorised officer of any licensing authority or police officer at any time.
15. The driver must maintain a high standard of personal hygiene.
16. Smoking of any kind including e-cigarettes and vapes is not permitted by anyone in the vehicle at any time. If a customer smokes in the vehicle, this must be reported to the operator with whom the booking was made immediately after the journey is completed.
17. The driver may be required to undergo drug and/or alcohol testing at any time.
18. If the driver has an exemption certificate issued under Section 171 of the Equality Act 2010, this must face outwards from the front windscreen of the vehicle and be passed to any blind passengers upon request. The driver must notify their operator of the exemption certificate.
19. The driver must not drive if they are tired and must stop in a safe place to rest (not an emergency area or on a hard shoulder of a motorway) if they feel sleepy.
20. The driver must report any safeguarding concerns to their private hire vehicle operator and the local authority designated safeguarding contact. Where there is an immediate risk to passengers, the driver must call the police on 999.
21. The driver must not use radio scanner equipment or speed trap detectors.

Before a journey

22. The driver must make their face clearly visible to passengers, to allow for verification against the photograph on their driver badge.
23. The driver must make themselves known to passengers upon arrival at the pickup point and provide assistance in identifying the vehicle to any disabled passenger who requests it, at no extra charge. If required, the driver must help passengers enter the vehicle, along with any of their luggage, mobility aids and pushchairs etc. The driver must accept the carriage of any disabled passenger, taking such steps as are reasonable to ensure that the passenger is carried in safety and reasonable comfort, provide them with mobility assistance as is reasonably required, and securely carry any mobility aids and wheelchairs, at no extra charge.
24. Passengers must be allowed to sit in their choice of licensed seat in the vehicle. The driver must not allow more passengers in the vehicle than the licensed capacity of the vehicle.
25. The driver must treat trainee assistance dogs as though they were assistance dogs.
26. The driver must ensure that passengers are aware of any cashless payment methods before the journey commences, which must be accepted and may not incur additional costs, unless it is a business credit card.
27. If the vehicle has a panic-switch activated audio recording system, the driver must make passengers aware of how to activate the switch.
28. The destination must be confirmed with the passengers before setting-off.

During a journey

29. The driver must, unless requested by the passenger, drive to the destination by the cheapest route for the passenger.
30. Any changes to the expected route are to be advised to the passenger.
31. The driver must wear clean clothes, in good condition without any graphics or words of an offensive or political nature. The upper part of the arms and shoulders must be covered.
32. The driver must wear shoes which cover the foot completely to the ankle.
33. Radio or sound reproducing instrument or equipment, other than that for sending or receiving messages in connection with the operation of the vehicle, may not be played in the vehicle unless requested by the passenger.
34. The driver must report any concerns they have over a child or an adult who appears to be under the control, or being negatively influenced by, any person who places them or someone else in harm or at risk of committing criminal offences. Reports should be made to a relevant authority/safeguarding organisation as soon as possible and at most within 24 hours. If there is an immediate risk, the driver must call 999.
35. The driver must not eat during the journey, but may drink water if it is safe to do so. It is for the driver to determine if they wish to allow passengers to eat or drink in the vehicle. The driver must not consume or chew anything that might impair their driving.

After a journey

36. The driver must support customers to use card readers or count their change.
37. If requested by the passenger, a clear, legible written receipt must be provided including the driver's name or licence number, the vehicle registration or licence number, date and time of the journey, along with the fare paid and the operator which accepted the booking.
38. When the journey has completed, the driver must ensure that all passengers have safely exited the vehicle along with any of their luggage, mobility aids and pushchairs etc. before setting off.
39. The driver must search the vehicle at the end of each journey for any lost property before setting off, which is to be reported to the operator for that booking immediately and taken to that operator within 48 hours.

Local Variant Private Hire Driver Licence Conditions

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Private Hire Vehicle Licence Conditions

Notification of Information to Licensing Authority

1. The proprietor must notify the licensing authority within 48 hours of any changes to their name (including trading name), address, telephone number or email address.
2. If the operator is a limited company or partnership, change of partners, directors, registered office address or intention to dissolve must be notified to the licensing authority within 48 hours.
3. If the operator is a limited company or partnership and it is proposed that a new director or partner joins, the new director or partner must provide a basic DBS certificate dated within the last three months to the licensing authority for consideration prior to them being appointed or joining the partnership.
4. If the operator, directors or partners change their name, they must notify the licensing authority and apply for a new DBS certificate declaring their current name and all previous names within 48 hours.
5. The proprietor must notify the licensing authority within 48 hours of any:
 - a. Arrest, police investigation, charge, bail conditions, bail extension, summons, conviction (including foreign convictions), caution, warning, voluntary interview or interview under caution, child abduction warning notice, domestic violence prevention order, anti-social behaviour order, fixed penalty notices or community resolution for any offence.
 - b. A notice of intended prosecution, driving licence points, endorsements and disqualifications.
 - c. Public Service Vehicle (PSV) Operator licence written warning, refusal, suspension or revocation.
 - d. Invitation to attend a licence review or licence refusal, suspension or revocation by any other licensing authority. If the other licence is suspended or revoked immediately, the licensing authority must be notified immediately.
 - e. Addition to the DBS Children's or Adults' Barred List.
 - f. The vehicle being seized by police.
 - g. Receipt of a certificate of good conduct/character, or reference in place of those documents.

The proprietor must make this notification themselves, even if a third party has already notified the licensing authority of the information.

If the proprietor is a limited company or partnership, full details should be given for any of the above imposed on the company, directors or partners.

6. The proprietor must report the loss of their plate to the authority within 48 hours and purchase a replacement.

7. The proprietor must notify the licensing authority as soon as reasonably practicable, and in any case within 72 hours, of the occurrence of any road traffic collision involving the vehicle.
8. The proprietor must return the licence plates to the licensing authority when surrendering or within seven days of the licence's expiry.
9. The proprietor must submit a copy of the certificate of insurance, covering the vehicle for hire and reward at any point in the licence's duration, to an authorised officer of the licensing authority within 48 hours of a request.
10. The proprietor must submit the licence number of the private hire driver who was authorised and insured to use the vehicle at a specific time(s) to an authorised officer of the licensing authority within 48 hours of a request.
11. If the vehicle is wheelchair accessible, the proprietor must ensure that anyone driving is properly trained in advance on the safe embarkation, transport and disembarkation of wheelchair users.
12. If the vehicle is wheelchair accessible, the proprietor must ensure that they provide up to date information to the council for the public register, to include all operators that invite bookings for the vehicle.

Maintenance of Vehicle

13. The proprietor must ensure that the vehicle is maintained in the condition when it was last approved by the licensing authority upon inspection
14. The proprietor must ensure that the signage required to be displayed by the licensing authority on and in the vehicle remains in place and in good condition at all times.
15. No material alteration or change in the specification, design, condition, appearance of the vehicle shall be made without the prior approval of the licensing authority. Where approval is obtained, the letter of approval must be kept within the vehicle.
16. The proprietor must ensure that no signs, flags, mascots notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever are displayed on, in or from the vehicle.
17. No items are to be hung from or attached to the rear-view mirror.
18. The proprietor must ensure that the vehicle is equipped to allow the vehicle to be driven safely and legally following a tyre puncture.
19. The private hire vehicle licence plate must be clearly legible, wholly visible, securely and permanently fixed to the rear exterior of the vehicle, without obscuring the vehicle registration plate, unless an exemption is issued by the licensing authority. Where this is obtained, the exemption letter must be kept within the vehicle.

20. If the vehicle is used exclusively by private hire drivers in an exclusive relationship with the same operator, rear signage approved by Licensing Services may be displayed. Operator signage other than in these circumstances is prohibited.

Local Variant Private Hire Vehicle Licence Conditions

1. The seating configuration may not be changed after the vehicle's licensing inspection.

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Private Hire Vehicle Operator Licence Conditions

Notification of Information to the Licensing Authority

1. The operator must notify the licensing authority within 48 hours of any changes to their name (including trading name), address, telephone number or email address.
2. If the operator is a limited company or partnership, change of partners, directors, registered office address or intention to dissolve must be notified to the licensing authority within 48 hours.
3. If the operator is a limited company or partnership and it is proposed that a new director or partner joins, the new director or partner must provide a basic DBS certificate dated within the last three months to the licensing authority for consideration prior to them being appointed or joining the partnership.
4. If the operator, directors or partners change their name, they must notify the licensing authority and apply for a new DBS certificate declaring their current name and all previous names within 48 hours.
5. The operator must provide a basic DBS certificate to the licensing authority on every anniversary of the date of licence grant, during the life of the licence. The certificate must be dated within three months of submission. If the operator is a company or partnership, a certificate must be provided for each director and partner.
6. The operator must notify the licensing authority within 48 hours of any:
 - a. Arrest, police investigation, charge, bail conditions, bail extension, summons, conviction (including foreign convictions), caution, warning, voluntary interview or interview under caution, child abduction warning notice, domestic violence prevention order, anti-social behaviour order, fixed penalty notices or community resolution for any offence.
 - b. A notice of intended prosecution, driving licence points, endorsements and disqualifications.
 - c. Public Service Vehicle (PSV) Operator licence written warning, refusal, suspension or revocation.
 - d. Invitation to attend a licence review or licence refusal, suspension or revocation by any other licensing authority. If the other licence is suspended or revoked immediately, the licensing authority must be notified immediately.
 - e. Addition to the DBS Children's or Adults' Barred List.
 - f. Receipt of a certificate of good conduct/character, or reference in place of those documents.

The proprietor must make this notification themselves, even if a third party has already notified the licensing authority of the information.

If the operator is a limited company or partnership, full details should be given for any of the above imposed on the company, directors or partners.

7. The operator must report any concerns they have over a child or an adult who appears to be under the control, or being negatively influenced by, any person who places them or someone else in harm or at risk of committing criminal offences. Reports should be made to a relevant authority/safeguarding organisation as soon as possible and at most within 24 hours. If there is an immediate risk, the operator must call 999.
8. The operator, or their chosen representative, must attend any audit of their booking records undertaken by the licensing authority at the address on the licence.

Driver Records

9. If the operator partners with a driver who provides a medical exemption certificate, this must be verified with the licensing authority.
10. The operator must record and provide to the licensing authority or police officers, on request, the following details for each private hire driver they are partnered with:
 - a. a copy of their current Private Hire Driver licence.
 - b. a record of when the current Private Hire Driver licence expires.
 - c. a copy of their current DVLA Driving Licence.
 - d. a record of when the current DVLA Driving Licence expires.
 - e. a copy of any medical exemption certificates issued by the licensing authority.
11. If the operator terminates the partnership with a private hire driver due to misconduct, the operator must notify the licensing authority of the full details within 48 hours.

Vehicle Records

12. The operator must record and provide to the licensing authority or police officers, on request, the following details for each private hire vehicle they are partnered with:
 - a. registration number of the vehicle
 - b. Private Hire Licence number
 - c. base call sign (if any)
 - d. make/model/colour of vehicle
 - e. a copy of the current Private Hire Vehicle licence
 - f. a record of when the current Private Hire Vehicle licence expires
 - g. a copy of the current insurance policy for the vehicle
 - h. a record of when the current insurance policy expires
13. Where an exclusive relationship exists with a vehicle proprietor and the vehicle's driver, discreet operator signage, approved by the licensing authority, will be permitted. This signage is to be submitted by the operator to the licensing authority for approval in advance.

Recruitment Policies

14. The operator must apply a fit and proper test to all staff with access to customers' sensitive information. This shall include a basic DBS check, or equivalent criminal record check if staff are not UK-based, for all staff and records kept showing the recruitment and decision-making processes, including the operator's written policy on convictions.
15. The operator must keep a register of all workers who accept bookings or dispatch vehicles. This is to be made available to an authorised officer of the licensing authority or police on request.
16. The operator and all workers who are in a role where they interact with members of the public and people managing service delivery must be trained, or have their knowledge and skills assessed, in Child Sexual Exploitation (CSE), safeguarding and disability awareness. They must be trained to understand the operator's duties under the Equality Act 2010. Every worker must sign a record of being trained on these matters and the record must be shown to an authorised officer on request.

Inviting Bookings

17. The operator must have in place an appropriate Public Liability Insurance of at least £5 million cover and an appropriate Employers' Liability Insurance of at least £1 million cover.
18. The operator must ensure that any publicly accessible premises they provide, whether for the purpose of booking or waiting, are kept clean and adequately heated, ventilated and lit. The operator must ensure that any waiting area which they provide has adequate seating facilities, is for customers only and is kept physically separate from any staff area.
19. The operator must ensure that their customer information provided in hard copy in their premises is also readily available in alternative accessible formats, including large print, Braille, and Easy Read.
20. Operator websites and digital booking platforms (e.g. apps) must comply with the latest WCAG accessibility standard to Level AA and with the principles of the latest Public Sector Bodies (Websites and Mobile Applications) Accessibility Regulations as a minimum.
21. The operator must ensure that customers are aware that their personal details may be shared with the licensing authority if requested.
22. The operator must identify passengers' accessibility needs prior to taking a booking, to ensure an appropriate vehicle is provided.
23. Where a private hire vehicle has 'third row' seats (if passengers must move other seats to enter or exit the vehicle), the operator must advise the hirer in advance that some seats have restricted access and so may be unsuitable for passengers with mobility difficulties.
24. The operator must not dispatch a Public Service Vehicle (PSV) for a booking of fewer than 9 passengers, without first informing the hirer that the driver is

subject to different checks and not required to have an enhanced DBS check. The customer must explicitly consent to this driver.

25. The operator must ensure that all advertising materials comply with the Advertising Standards Authority requirements and do not contain offensive, misleading or potentially inflammatory wording which could be seen as defamatory.
26. The operator must not be advertised on any vehicle without the prior permission of the licensing authority.

Accepting Bookings

27. Operators must not accept bookings that they are unlikely to be able to fulfil punctually and must notify customers at the earliest opportunity if they are unable to fulfil a booking.
28. For every booking accepted for a private hire vehicle, the operator must ask and record:
 - a. any accessibility needs of any of the passengers
 - b. passenger's forename and surname
 - c. telephone number, email address or residential address for the hirer
 - d. time and date the booking was made
 - e. pickup location of the passenger
 - f. scheduled pickup time and date
 - g. if cancelled, the time and date of the cancellation request

The operator must also record for every booking accepted:

- h. the individual that took the details of the booking (if not recorded by a computer)
- i. licensing authority area in which the booking was accepted and details of which operator accepted the booking
- j. If the booking is for a Public Service Vehicle (PSV) with fewer than nine passengers, that the customer consented to this

If the booking is sub-contracted:

- k. the operator to whom the booking is sub-contracted
- l. the time and date the booking was sub-contracted and accepted

Where the operator dispatches a private hire vehicle for a booking, they shall keep a full and accurate record of:

- m. the individual that dispatched the vehicle (if not dispatched by a computer)
- n. the other private hire drivers that responded to the booking request, including those that were unsuccessful in being allocated the booking

For every booking completed, the operator must record:

- o. The drop off location of the last passenger

- p. The private hire driver and private hire vehicle that completed the booking
- 29. These records must be maintained in a bound book with consecutively numbered pages or an appropriate digital booking system, accessible at the operator's address. Records must be kept for 12 months from the date of the journey.
- 30. At all times that an operator is actively dispatching vehicles there shall be an identified phone number on which the operator (or their nominee) is available for contact by authorised officers of the licensing authority.
- 31. Any urgent requests for information must be provided within four hours. All other requests must be responded to within one week.
- 32. The operator must ensure that any personal information obtained during the course of their business is stored securely and only retained for as long as absolutely necessary, in compliance with data protection legislation. Access to this information must be restricted to only those persons who will use it for the purpose for which it was collected.
- 33. The operator shall make provision for the secure storage of lost property (which may contain personal data) left in vehicles and securely dispose of this within six months. There will be a system where all property is logged, including a receipt given to the driver and details of the customer who collects it.

Complaints

- 34. The operator must have a policy for dealing with complaints. All complaints must be kept for 12 months and record:
 - a. the complainant's name
 - b. contact information
 - c. the complaint details
 - d. details of any actions taken by the operator

These details are to be provided to the Licensing Authority on request by an authorised officer.

- 35. Any safeguarding concerns, reported by a driver or otherwise, must be recorded for 12 months and reported to the licensing authority.
- 36. The operator must notify the licensing authority immediately if a school transport provider excludes a driver from undertaking contract work due to a complaint.
- 37. Complaints of the following nature must be reported to the licensing authority immediately:
 - a. Incidents resulting in death or injury
 - b. Exploitation

- c. Violence
- d. Possession of a weapon
- e. Sexual offences
- f. Dishonesty
- g. Drugs
- h. Discrimination
- i. Drink driving/driving under the influence of drugs
- j. Terrorism and extremism

Local Variant Private Hire Vehicle Operator Licence Conditions

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Hackney Carriage Licence Conditions

Notification of Information to Licensing Authority

1. The proprietor must notify the licensing authority within 48 hours of any changes to their name (including trading name), address, telephone number or email address.
2. If the proprietor is a limited company or partnership, change of partners, directors, registered office address or intention to dissolve must be notified to the licensing authority within 48 hours.
3. If the proprietor is a limited company or partnership and it is proposed that a new director or partner joins, the new director or partner must provide a basic DBS certificate dated within the last three months to the licensing authority for consideration prior to them being appointed or joining the partnership.
4. If the proprietor, directors or partners change their name, they must notify the licensing authority and apply for a new DBS certificate declaring their current name and all previous names within 48 hours.
5. The proprietor must notify the licensing authority within 48 hours of any:
 - a. Arrest, police investigation, charge, bail conditions, bail extension, summons, conviction (including foreign convictions), caution, warning, voluntary interview or interview under caution, child abduction warning notice, domestic violence prevention order, anti-social behaviour order, fixed penalty notices or community resolution for any offence.
 - b. A notice of intended prosecution, driving licence points, endorsements and disqualifications.
 - c. Public Service Vehicle (PSV) Operator licence written warning, refusal, suspension or revocation.
 - d. Invitation to attend a licence review or licence refusal, suspension or revocation by any other licensing authority. If the other licence is suspended or revoked immediately, the licensing authority must be notified immediately.
 - e. Addition to the DBS Children's or Adults' Barred List.
 - f. The vehicle being seized by police.
 - g. Receipt of a certificate of good conduct/character, or reference in place of those documents.

The proprietor must make this notification themselves, even if a third party has already notified the licensing authority of the information.

If the proprietor is a limited company or partnership, full details should be given for any of the above imposed on the company, directors or partners.

6. The proprietor must report the loss of their plate to the authority within 48 hours and purchase a replacement.

7. The proprietor must notify the licensing authority as soon as reasonably practicable, and in any case within 72 hours, of the occurrence of any road traffic collision involving the vehicle.
8. The proprietor must return the licence plates to the licensing authority when surrendering or within seven days of the licence's expiry.
9. The proprietor must submit a copy of the certificate of insurance, covering the vehicle for hire and reward at any point in the licence's duration, to an authorised officer of the licensing authority within 48 hours of a request.
10. The proprietor must submit the licence number of the hackney carriage driver who was authorised and insured to use the vehicle at a specific time(s) to an authorised officer of the licensing authority within 48 hours of a request.
11. If the vehicle is wheelchair accessible, the proprietor must ensure that anyone driving is properly trained in advance on the safe embarkation, transport and disembarkation of wheelchair users.
12. If the vehicle is wheelchair accessible, the proprietor must ensure that they provide up to date information to the council for the public register, to include all Hackney Carriage booking offices or Private Hire Vehicle Operators that accept bookings for the vehicle.

Maintenance of Vehicle

13. The proprietor must ensure that the vehicle is maintained in the condition when it was last approved by the licensing authority upon inspection
14. The proprietor must ensure that the signage required to be displayed by the licensing authority on and in the vehicle remains in place and in good condition at all times.
15. No material alteration or change in the specification, design, condition, appearance of the vehicle shall be made without the prior approval of the licensing authority. Where approval is obtained, the letter of approval must be kept within the vehicle.
16. The proprietor must ensure that no signs, flags, mascots notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever are displayed on, in or from the vehicle.
17. No items are to be hung from or attached to the rear-view mirror.
18. The proprietor must ensure that the vehicle is equipped to allow the vehicle to be driven safely and legally following a tyre puncture.
19. The hackney carriage licence plate must be clearly legible, wholly visible, securely and permanently fixed to the rear exterior of the vehicle, without obscuring the vehicle registration plate, unless an exemption is issued by the licensing authority. Where this is obtained, the exemption letter must be kept within the vehicle.

Contactless payments

20. The proprietor shall ensure that passengers are able to make payment via contactless card payments.
21. The proprietor shall ensure that all drivers of the vehicle are trained on how to use the contactless card payment device and are aware that passengers must be able to make payment in this manner. Drivers must be trained to support customers to use card readers or count their change.
22. Where a fault in the contactless payment system is identified, the proprietor must notify Licensing Services and arrange repair/replacement within 48 hours.

Vehicle Condition Check

23. The proprietor must ensure that a walkaround check is completed each day by the driver before taking charge of the Hackney Carriage. The walkaround check must be recorded and produced to an authorised officer on request. This may be recorded on taxiwalkaround.wolverhampton.gov.uk

Please note that should you feel aggrieved by any of the conditions in this licence then you have the right of appeal to the Black Country Magistrates' Court within 21 days of the date when this licence is issued.