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[www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk)

**Wednesday, 3 March 2021**

**Chairman: Councillor Mrs R Crowe  
Vice-Chairman: Councillor R White**

**Members of the Committee:**

**Councillor Mrs K Arnold  
Councillor L Brazier  
Councillor Mrs B Brooks  
Councillor Mrs I Brown  
Councillor S Carlton  
Councillor M Cope  
Councillor P Harris**

**Councillor R Jackson  
Councillor Mrs S Michael  
Councillor Mrs S Saddington  
Councillor I Walker  
Councillor K Walker  
Councillor Mrs Y Woodhead**

**MEETING:           General Purposes Committee**

**DATE:               Thursday, 11 March 2021 at 6.00 pm**

**VENUE:             Broadcast from Castle House, Great North  
Road, Newark NG24 1BY**

**You are hereby requested to attend the above Meeting  
for the purpose of transacting the business on the Agenda as overleaf.**

**Attendance at this meeting and public access will be by remote means due to the Covid-10 Pandemic.  
Further details to enable remote access will be forwarded to all parties prior to the  
commencement of the meeting.**

**If you have any queries please contact Helen Brandham on [helen.brandham@newark-sherwooddc.gov.uk](mailto:helen.brandham@newark-sherwooddc.gov.uk) 01636 655248.**



## AGENDA

Page Nos.

### REMOTE MEETING DETAILS

This meeting will be held in a remote manner in accordance with the Local Authorities and Police & Crime Panels (Coronavirus) (Flexibility of Local Authority and Police & Crime Panel Meetings) (England and Wales) Regulations 2020.

The meeting will be live streamed on the Council's social media platforms to enable access for the Press and Public.

1. Apologies for Absence
2. Declarations of Interests from Members and Officers
3. Declaration of any Intention to Record the Meeting
4. Minutes of the Meeting Held on 12 November 2020 4 - 6
5. Forward Plan - April 2021 to March 2022 7

### PART 1 - ITEMS FOR DECISION

6. Review of Hackney Carriage & Private Hire Licensing Policy and Guidance 8 - 163

### PART 2 - ITEMS FOR INFORMATION

7. National Database of Refused and Revoked Licences Update 164 - 165

### PART 3 - STATISTICAL AND PERFORMANCE REVIEW ITEMS

8. Update on Performance and Enforcement Matters - 1 October to 31 December 2020 166 - 167

### PART 4 - EXEMPT AND CONFIDENTIAL ITEMS

None

9. Exclusion of the Press and Public

To consider resolving that, under section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.

## NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **General Purposes Committee** held in the Broadcast from Castle House, Great North Road, Newark, Notts. NG24 1BY on Thursday, 12 November 2020 at 6.00 pm.

PRESENT: Councillor Mrs R Crowe (Chairman)

Councillor Mrs K Arnold, Councillor L Brazier, Councillor Mrs B Brooks, Councillor Mrs I Brown, Councillor S Carlton, Councillor P Harris, Councillor R Jackson, Councillor Mrs S Michael, Councillor Mrs S Saddington, Councillor I Walker, Councillor K Walker and Councillor Mrs Y Woodhead

APOLOGIES FOR ABSENCE: Councillor R White

### REMOTE MEETING LEGISLATION

The meeting was held remotely, in accordance with the Local Authorities and Police & Crime Panels (Coronavirus) (Flexibility of Local Authority and Police & Crime Panel Meetings) (England & Wales) Regulations 2020.

### 32 DECLARATIONS OF INTERESTS FROM MEMBERS AND OFFICERS

NOTED that no Member or Officer declared any interest pursuant to any statutory requirement in any matter discussed or voted upon at the meeting.

### 33 DECLARATION OF ANY INTENTION TO RECORD THE MEETING

The Chairman advised that the proceedings were being recorded by the Council and that the meeting was being livestreamed and broadcast from the Civic Suite, Castle House.

### 34 MINUTES OF THE MEETING HELD ON 3 SEPTEMBER 2020

AGREED that the Minutes of the meeting held 3 September 2020 were a correct record and signed by the Chairman.

### 35 FORWARD PLAN (NOVEMBER 2020 TO OCTOBER 2021)

AGREED that the Forward Plan for the period 1 November 2020- 31 October 2021 be noted.

### 36 ORDER OF BUSINESS

With the agreement of the Committee, the Chairman changed the order of business. Agenda Item 7 was taken after Item 4. The agenda resumed its stated order thereafter.

37 PROGRESS OF THE 2020 ANNUAL CANVASS

The Electoral Services Manager presented a report which updated Members on progress on the Annual Canvass since their last meeting on 3 September. The total number of responses was 51,154 from 57, 778, representing an 88.54% return rate. Further reminder forms were dispatched on 16 October 2020. The new Register of Electors would be published on 1 December 2020.

The Electoral Services Manager explained that, with regard to university students in the District, information was sought from a single point of contact on campus, however, it was noted that many students chose to remain registered at their home address and use a postal vote.

AGREED the progress of the 2020 Annual Canvass be noted.

38 NATIONAL STATUTORY STANDARDS FOR HACKNEY CARRIAGE & PRIVATE HIRE VEHICLE PASSENGERS

The Business Manager - Public Protection presented a report reviewing new statutory guidance relating to hackney carriage and private hire vehicle passengers and to highlight the changes required to the Councils' Taxi Policy to comply with the guidance. The specific amendments required were detailed in the report but were minimal as the Policy was very much in line with the requirements in the guidance. The amended policy would be brought to the Committee for formal adoption.

In considering the report, Members discussed private hire vehicles licensed in other local authority areas operating in the District. The Business Manager - Public Protection noted that it was recommended when using a private hire vehicle, to ask where the license had been issued. The license issued by the Council did include the Newark & Sherwood District Council logo, however implementing a uniform colour or design would be difficult for business due to cost implications and the reduction in the night-time economy as a result of the Covid-19 Pandemic. Members agreed that a national standard for licensed vehicles would be beneficial to improve safety and standards.

AGREED (unanimously) that:

- (a) the detail of new statutory guidance relating to taxis and private hire vehicles and the implications for the Council's current policy be noted;
- (b) Members endorse that the elements of the policy set out in paragraph 4.2 should be amended; and
- (c) the amended policy be included on the Forward Plan and brought back to Committee for approval.

39 UPDATE ON PERFORMANCE AND ENFORCEMENT MATTERS (JULY TO SEPTEMBER 2020)

The Committee considered the report presented by the Senior Licensing Officer in relation to the activity and performance of the Licensing Team which included details of current ongoing enforcement issues.

Information contained in the report related to the number of applications for grants and renewals of licences for Hackney Carriage; Private Hire; and Ambulance Drivers together with those for Hackney Carriage and Private Hire Vehicles. A note of ongoing enforcement activity was also listed with information as to what action had been taken to-date.

With regard to street and house to house collections, Members noted that most of the charities listed were not based in the District and not specifically collecting for the charities within the District.

AGREED (unanimously) that the report be noted.

Meeting closed at 6.24 pm.

Chairman

**Forward Plan of the General Purposes Committee Decisions from 1 April 2021 to 31 March 2022**

This document records some of the items that will be submitted to the General Purposes Committee over the course of the next twelve months.

These committee meetings are open to the press and public.

Agenda papers for General Purposes Committee meetings are published on the Council's website 5 days before the meeting <http://www.newark-sherwooddc.gov.uk/agendas/>. Any items marked confidential or exempt will not be available for public inspection.

<b>Meeting Date</b>	<b>Subject for Decision and Brief Description</b>	<b>Contact Officer Details</b>
June 2021	Training for Members	<a href="mailto:alan.batty@newark-sherwooddc.gov.uk">alan.batty@newark-sherwooddc.gov.uk</a>
June 2021	First Aid Training for Taxi Drivers	<a href="mailto:alan.batty@newark-sherwooddc.gov.uk">alan.batty@newark-sherwooddc.gov.uk</a>
September 2021	Update Report on Safeguarding Issues and Taxi Drivers	<a href="mailto:alan.batty@newark-sherwooddc.gov.uk">alan.batty@newark-sherwooddc.gov.uk</a>
September 2021	Taxi User Satisfaction Survey	<a href="mailto:alan.batty@newark-sherwooddc.gov.uk">alan.batty@newark-sherwooddc.gov.uk</a>
March 2022	Review of Taxi Vehicle Specifications	<a href="mailto:alan.batty@newark-sherwooddc.gov.uk">alan.batty@newark-sherwooddc.gov.uk</a>

## **GENERAL PURPOSES COMMITTEE**

**11 MARCH 2021**

### **REVIEW OF HACKNEY CARRIAGE & PRIVATE HIRE LICENSING POLICY AND GUIDANCE**

#### **1.0 Purpose of Report**

1.1 To update Members on the completion of the consultation process on a revised policy for Hackney Carriage & Private Hire Licensing.

#### **2.0 Background**

2.1 Members will recall that the last full review of the Policy took place in 2018.

2.2 At the September Committee Members considered a report on the new statutory standards for the taxi and private hire vehicle sector across England and Wales. It was agreed that a further report would be submitted outlining the detail of the new guidelines and the changes needed to the Council's policy to comply with the new standards.

2.3 At November committee, a report was presented to Members which compared the current NSDC Hackney Carriage and Private Hire Policy with the DFT Statutory Guidance for Taxi & Private Hire Vehicle Standards.

#### **3.0 Statutory Guidance for Taxi & Private Hire Standards**

3.1 The Department for Transport issued new Statutory Guidance on Taxi & Private Hire Vehicle Standards focusing on the role of taxi licensing powers and enhanced regulation in protecting children and vulnerable adults. The guidance sets out core minimum standards that all licensing authorities are expected to meet in order to further safeguard vulnerable passengers, increase safety for the travelling public in general.

3.2 These standards are an important first step in reforming the way the taxi (HC) and private hire vehicle (PHV) sector is regulated and should ensure consistent standards between licensing authorities.

Para 1.3 of the Standards states:

*There is consensus that common core minimum standards are required to regulate better the taxi and private hire vehicle sector, and the recommendations in this document are the result of detailed discussion with the trade, regulators and safety campaign groups. The Department therefore expects these recommendations to be implemented unless there is a compelling local reason not to.*

3.2 The current Hackney Carriage & Private Hire Licensing Policy was implemented on 1 April 2018 and continues to be effective in ensuring that those applicants and/or licence holders that do not take seriously the need to safeguard children and vulnerable persons or promote the need for public safety and public confidence in the trade are adequately dealt with.



3.3 Due to the work already undertaken both by Newark & Sherwood District Council and in conjunction with the other Nottinghamshire authorities in developing the current Policy, the additional requirements placed on the Council by the Statutory Standards can be very easily implemented, and these requirements/amendments are listed at **Appendix A**.

#### **4.0 Consultation Details**

4.1 A copy of the draft policy can be found at **Appendix B**, which highlights the changes to the policy in yellow.

4.2 A 4 week consultation began on 27 January 2021 to 24 February 2021 for the draft hackney carriage and private licence policy. Comments or representation on the draft policy were welcomed.

4.3 Copies of the draft policy have been circulated to a range of organisations and individuals. A list of the consultees are shown below:

- All licensed hackney carriage and private hire drivers
- All licensed Private Hire Operators
- All licensed Private Ambulance Operators
- All licensed ambulance drivers
- Nottinghamshire local authorities
- Ollerton Disability Group
- Police and Crime Commissioner
- Local Police Inspector
- NSDC Corporate Safeguarding Group
- Lincolnshire adjoining Local Authorities

All have been asked to comment.

4.4 Set out below are the comments received back in the response and the proposed course of action.

<b>Consultee</b>	<b>Consultee Comment</b>	<b>Officer Response</b>	<b>Recommendation</b>
Dianne Munford	Taxi drivers employed by local hackney carriage firms should all be registered with Newark & Sherwood District Council before they can operate within this area and have knowledge of the local area. Some working here are registered in Wolverhampton and do not know the local area. They should not be allowed to be hired in this area.	This is an issue that NSDC has faced since the deregulation of taxis in 2015.	That the Committee Chairman write to Grant Shapps, the Secretary of State for Transport regarding this matter.
Sean Stevens	As we have asked many times before I would like the Council to review the taxi age limit and change it from 8 years to 10 years to fall in line with other local councils.  I currently do contract work for Nottinghamshire County Council and can use a vehicle up to 10 years old on their policy but cannot drive a taxi that is older than 8 years in Newark.		

	<p>I find this very frustrating because we are getting rid of perfectly good vehicles that we spend a lot of money on during their time as a taxi on the road.</p> <p>Modern cars last much longer than they did years ago and this 8 year rule is outdated and needs to be changed ASAP.</p> <p>Also the influx of out of town taxis also makes it very hard for us to compete with them over price plus they can drive older vehicles so therefore earn more money because they change the vehicles less often.</p> <p>Many Hackney taxis have gone over the past year during the pandemic and things have not been easy for us as our work has almost vanished.</p> <p>I strongly recommend that this is looked at to save the Hackney taxis in Newark.</p> <p>It forces us to buy newer vehicles with higher mileage so we can save money but this comes at a risk of high maintenance bills.</p> <p>I have current plans to go private hire in 2022 on a Grantham licence unless this rule is changed in Newark so I can continue my contract/airport &amp; telephone work.</p>		
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## 5.0 **Proposals**

- 5.1 As Members will see from the above there are no comments that have been received that, in the opinion of Officers, would not require wholesale changes to the draft Policy.
- 5.2 It is proposed that the draft Hackney Carriage & Private Hire Licensing Policy and Guidance Document (**Appendix B**) be approved, subject to any changes that Members may wish to make.

## 6.0 **Equalities Implications**

- 6.1 The Policy has also been the subject of an Equality Impact Assessment and no significant issues arose as a result of this review.

## 7.0 **RECOMMENDATIONS** that:

- (a) **Members consider the comments received from the consultation exercise on the Hackney Carriage & Private Hire Policy and identify any subsequent changes arising from the comments; and**

**(b) subject to any changes identified, the draft Hackney Carriage & Private Hire Licensing Policy And Guidance 2021 be adopted.**

Background Papers

Nil

For further information please contact Nicola Kellas on Ext 5894

Matthew Finch  
Director – Communities & Environment

Reference	Current policy	Amendment	Rationale
1.3.1	This policy shall take effect from 1 <sup>st</sup> April 2018 and the Authority expects new applicants for licences to comply with its terms immediately. It is acknowledged however, that certain provisions may place financial obligations on existing licence holders and, accordingly, a transitional period is implemented during which necessary changes must be made. Accordingly, the full weight of the policy regarding the vehicle age shall not take effect until September 2019	This policy shall take effect from 1 <sup>st</sup> April 2020 and the Authority expects new applicants and current licence holders to comply with its terms immediately. All current licences will be reviewed against the new policy standards.	New requirement
1.3.2	The Authority will keep this policy under review and will consult where appropriate on proposed revisions.	This policy will be reviewed every 5 years but may be subject to interim reviews as required and the authority will consult where appropriate on the proposed revisions with the taxi trade and the trades' customers.	New requirement
1.4.1		The General Purposes Committee is the designated committee for considering the Hackney Carriage and Private Hire licensing regime and act as an impartial quasi-judicial licensing authority. Its role is to determine whether licences should be granted, renewed or in cases where the licence holder falls below the standards required by the Authority to revoke or suspend.	Strengthening wording of policy
1.4.2		All members of this committee will be sufficiently trained to allow them to make informed decisions. Without this training members will not be permitted to sit on a taxi sub/committee.	Strengthening wording of policy
2.1.1 Agenda Page 12	It is Council policy to issue a dual driver's badge for both hackney carriage and private hire. Licences shall normally be issued for a maximum period of three years. A lesser licence period may be granted dependent upon the circumstances of that case. The following will be required as part of an application:  <ul style="list-style-type: none"> <li>• A fully completed and signed application.</li> <li>• An enhanced check from the Disclosure and Barring service is required on application and applicants are required to join and maintain membership of the DBS</li> </ul>	It is Council policy to issue a dual driver's badge for both hackney carriage and private hire. Licences shall normally be issued for a maximum period of three years. A lesser licence period may be granted dependent upon the specific circumstances of that case, if a licensee has requested one or where required (e.g. when the licence holder's leave to remain in the UK is time limited) or when the licence is only required to meet a short-term demand; they should not be issued on a 'probationary' basis. The following will be required as part of an application:	New requirement

	<p>update service in order that their status can be checked annually.</p> <ul style="list-style-type: none"> <li>• A Driver and Vehicle Licensing Agency (DVLA) licence history, required on application and every year.</li> <li>• A completed medical examination with the Council’s appointed medical adviser on application and in line with the Council’s policy.</li> <li>• A completed statutory declaration of convictions</li> <li>• The required fee</li> <li>• Attendance at safeguarding training within 12 months of the initial badge being issued.</li> </ul>	<ul style="list-style-type: none"> <li>• A fully completed and signed application.</li> <li>• An enhanced check from the Disclosure and Barring service is required on application and applicants are required to join and maintain membership of the DBS update service in order that their status can be checked annually.</li> <li>• A Driver and Vehicle Licensing Agency (DVLA) licence history, required on application and every year.</li> <li>• A completed medical examination with the Council’s appointed medical adviser on application and in line with the Council’s policy.</li> <li>• A completed statutory declaration of convictions</li> <li>• The required fee</li> <li>• Attendance at safeguarding training within 12 months of the initial badge being issued.</li> </ul>	
2.1.4	<p>An individual will not be considered fit and proper to hold a licence if there is any evidence of dishonesty, and/or it can be shown that an applicant or existing licence holder has misled, or attempted to mislead, the Council (either officers or members of the Licensing Committee) as part of any process associated with the administration or determination of a licence.</p>	<p>An individual will not be considered fit and proper to hold a licence if there is any evidence of dishonesty, and/or it can be shown that an applicant or existing licence holder has misled, or attempted to mislead, the Council (either officers or members of the General Purposes Committee) as part of any process associated with the administration or determination of a licence.</p>	Admin amendment
2.1.5		<p>The licensing authority provides information to the National Register of Taxi Licence Refusals and Revocations (NR3), a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or Private Hire Vehicle (PHV) licence revoked, or an application for one refused. This is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the licensing authority – that is, assessing whether an individual is a fit and proper person to hold a hackney carriage</p>	New requirement

<p>Agenda Page 14</p>		<p>or PHV licence. Therefore:</p> <ul style="list-style-type: none"> <li>• Where a hackney carriage/ PHV licence is revoked, or an application for one refused, the authority will automatically record this decision on NR3.</li> <li>• All applications for a new licence or licence renewal will automatically be checked on NR3. If a search of NR3 indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3 search will only be used in respect of the specific license application and will not be retained beyond the determination of that application.</li> </ul> <p>The information recorded on NR3 itself will be limited to:</p> <ul style="list-style-type: none"> <li>• name</li> <li>• date of birth</li> <li>• address and contact details</li> <li>• national insurance number</li> <li>• driving licence number</li> <li>• decision taken</li> <li>• date of decision</li> <li>• date decision effective</li> </ul> <p>Information will be retained on NR3 for a period of 25 years.</p> <p>This is a mandatory part of applying for a hackney carriage / PHV driver licence. The authority has a published policy on the approach it will take to requests by other</p>	
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<p>Agenda Page 15</p>		<p>authorities for further information about entries on NR3, and about the use it will make of any further information provided to it. You can read that policy at <a href="http://www.newark-sherwooddc.gov.uk">www.newark-sherwooddc.gov.uk</a></p> <p>Information will be processed in accordance with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR). Any searches, provision or receipt of information of or under NR3 are necessary to the authority’s statutory licensing functions of ensuring that all drivers are fit and proper to hold the applicable licence. It is not intended that any NR3 data will be transferred out of the United Kingdom.</p> <p>If you wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the GDPR, you can do so to the authority’s Data Protection Officer at <a href="mailto:freedom@nsdc.info">freedom@nsdc.info</a>. This includes submitting a subject access request.</p> <p>You always have the right to make a complaint to the Information Commissioner’s Office (ICO). Advice on how to raise a concern about handling of data can be found on the ICO’s website: <a href="https://ico.org.uk/make-a-complaint/">https://ico.org.uk/make-a-complaint/</a></p>	
<p>2.2</p>	<p>In order to assist the Authority in determining the fitness of an applicant to hold a hackney carriage and/or private hire driver’s licence, applicants are required to undertake a knowledge test. The test consists of seven parts; the</p>	<p>In order to assist the Authority in determining the fitness of an applicant to hold a hackney carriage and/or private hire driver’s licence, applicants are required to undertake a knowledge test. The test consists of seven parts; the first two</p>	<p>Amendment to include English Language</p>

	first two parts will challenge the applicant’s knowledge of UK motoring law and good practice, common road signs and the highway code, the next three sections will test the applicant on numeracy, customer care and taxi law and conditions and the final two sections require knowledge on locations and the road network.	parts will challenge the applicant’s knowledge of UK motoring law and good practice, common road signs and the highway code, the next three sections will test the applicant on numeracy, customer care (including English language) and taxi law and conditions and the final two sections require knowledge on locations and the road network.	
2.7.1	A criminal record check on a driver is seen as important safety measure. Enhanced Disclosure through the Disclosure and Barring Service (DBS) is required as these disclosures include details of convictions, police cautions and other relevant information. The Council is an approved Disclosure and Barring Service Body; therefore, applicants will deal with the Disclosure and Barring Service through the Council and will be charged the current DBS fee.	A criminal record check on a driver is seen as an important safety measure. Enhanced Disclosure through the Disclosure and Barring Service (DBS) is required as these disclosures include details of convictions, police cautions and other relevant information. The Council use a third party to carry out the Enhanced DBS check and payment for this service will be made directly to the third party.	The Authority now uses a third party organisation for DBS checks as the service is electronic and quicker.
2.7.2	Whilst it is the responsibility of the applicant to ensure the DBS disclosure form is correctly completed, licensing officers will check the accuracy of completed forms before they are sent to the DBS. The DBS places very stringent controls on the Authority with regard to the accurate completion of disclosure forms and therefore drivers should be aware that incorrectly completed forms may delay their application as they will not be accepted by the Authority.	It is the responsibility of the applicant to ensure the DBS disclosure form is correctly completed, licensing officers will check the accuracy of completed forms before they are sent to the third party for processing the DBS .	As 2.7.1
2.	DBS disclosures are transferable from one agency to another where " the other workforce" category has been selected. Applicants will be required to use the DBS update service.	DBS disclosures are transferable from one agency to another where "other workforce" category has been selected. Applicants will be required to join and maintain the DBS update service for as long as they are a licensed driver	Strengthening policy wording
2.	The DBS certificate will be checked at the time of application annually using the DBS update service for the duration of the licence.	The DBS certificate will be checked at the time of application and every 6 months using the DBS update service for the duration of the licence.	New requirement



2.7.5		Where is decision to made to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, will be referred to the DBS	New requirement
2.8.3		In the interests of public safety, licensing authorities should not, as part of their policies, issue a licence to any individual that appears on either barred list.	New requirement
4.2.2		Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually.	New requirement for vehicle proprietors
2.15.2		Drivers will be required to attend safeguarding refresher training every 3 years.	New requirement
3.2.1	<p>The Council will only issue licences to applicants that are deemed to be fit and proper. In assessing this, the Council will have regard to the following:</p> <ul style="list-style-type: none"> <li>• Criminal record (including convictions, cautions, warnings and reprimands),</li> <li>• Factors such as demeanour, general character, non-criminal behaviour, honesty and integrity,</li> <li>• Previous conduct (particularly in cases where the applicant holds or has previously held a licence issued by Newark &amp; Sherwood District Council),</li> <li>• Business practices demonstrated by the applicant (for example standard of record keeping, compliance with other regulatory requirements, financial practices etc.)</li> </ul>	<p>The Council will only issue licences to applicants that are deemed to be fit and proper. In assessing this, the Council will have regard to the following:</p> <ul style="list-style-type: none"> <li>• Criminal record (including convictions, cautions, warnings and reprimands),</li> <li>• Factors such as demeanour, general character, non-criminal behaviour, honesty and integrity,</li> <li>• Previous conduct (particularly in cases where the applicant holds or has previously held a licence issued by Newark &amp; Sherwood District Council),</li> <li>• Business practices demonstrated by the applicant (for example standard of record keeping, compliance with other regulatory requirements, financial practices etc.)</li> </ul> <p>The ‘fit and proper’ test will be applied to each of the directors or partners in a company or partnership.</p>	Strengthening policy wording
3.2.2	If an application is received from a person who is not a current driver licensed by Newark & Sherwood District Council then the applicant will be required to provide a Basic Disclosure from the Disclosure and Barring Service,	If an application is received from a person who is not a current driver licensed by Newark & Sherwood District Council then the applicant will be required to provide a Basic Disclosure from the Disclosure and Barring Service on an annual basis,	New requirement for annual checks

	and undertake the council's Child and Adult Safeguarding Awareness Training (as required by licensed drivers).	and undertake the council's Child and Adult Safeguarding Awareness Training (as required by licensed drivers).	
7.1.8		The Council have authorised officers from other Nottinghamshire authorities so that compliance and enforcement action can be taken against licence holders from outside their area, where the need arises.	New requirement
1.5 of Appendix 4		<p>The term 'Fit and Proper' for the purposes of licensing is not legally defined and in assessing whether someone maybe fit and proper the Council will consider the following, and take any other relevant information into account:</p> <ul style="list-style-type: none"> <li>• Criminality</li> <li>• Human Rights</li> <li>• Period of holding a driver's licence</li> <li>• Number of endorsed driving penalty points</li> <li>• Right to work</li> <li>• medical fitness</li> <li>• Driving ability test</li> <li>• Knowledge Test</li> <li>• The fitness and propriety of Private Hire Operators, ensuring the business is run in a safe and professional manner, having regard to management controls, compliance with the law and that drivers are properly monitored to ensure that they behave in an appropriate manner and comply with their duties and responsibilities, including the monitoring of driver hours</li> <li>• The conduct of the applicant in making the application (e.g. whether they have acted with openness and integrity during the application process).</li> <li>• The previous licensing history of existing/former licence holders and any complaints made against</li> </ul>	Strengthening of policy wording

		<p>them and investigated by any local authority licensing service.</p> <p>In addition the Council will also consider further information sources such as the Police (including abduction notices), Children and Adult Safeguarding Boards and other statutory agencies.</p>	
<p>3.1 of Appendix 4</p>	<ul style="list-style-type: none"> <li>• where the applicant had been convicted of an offence other than infrequent minor traffic offences, within the five year period immediately preceding the date of the application. However, a number of minor traffic offences may result in a reference to the committee as indicating recklessness;</li> <li>• where the conviction(s) occurred outside the five year period referred to above but:             <ul style="list-style-type: none"> <li>- the offence was of a particularly serious nature;</li> </ul>             or             <ul style="list-style-type: none"> <li>- there was a history of criminal convictions demonstrating a series of offences which had occurred with relative frequency over a period of years;</li> <li>- where, in respect of motoring offences which were not spent, the applicant had incurred four or more penalty points in respect of any one offence or had incurred a total of seven or more penalty points; or</li> <li>- where the Business Manager – Environmental Health and Licensing considers that the offence(s) raised concern that the safety of the public might be put at risk;</li> <li>- where information is revealed on a DBS check about behaviour which does not involve a conviction or caution for an offence but which the Business Manager – Environmental Health considers should be referred to the Committee.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• where the applicant had been convicted of an offence other than infrequent minor traffic offences, within the prescribed time period immediately preceding the date of the application. However, a number of minor traffic offences may result in a reference to the committee as indicating recklessness;</li> <li>• where the conviction(s) occurred outside the prescribed time period referred to above but:             <ul style="list-style-type: none"> <li>- the offence was of a particularly serious nature; or</li> <li>- there was a history of criminal convictions demonstrating a series of offences which had occurred with relative frequency over a period of years;</li> <li>- where, in respect of motoring offences which were not spent, the applicant had incurred four or more penalty points in respect of any one offence or had incurred a total of seven or more penalty points; or</li> <li>- where the Business Manager – Public Protection considers that the offence(s) raised concern that the safety of the public might be put at risk;</li> <li>- where information is revealed on a DBS check about behaviour which does not involve a conviction or caution for an offence but which the Business Manager – Public Protection considers should be referred to the Committee.</li> </ul> </li> </ul>	<p>Admin amendment</p>

<p>6.1a of Appendix 4</p>		<p><b>6.1.1 Exploitation</b>          Where an applicant or licence holder 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 normally be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse. Such offences include but are not limited to:</p> <ol style="list-style-type: none"> <li>1. Slavery</li> <li>2. Trafficking</li> <li>3. Child sexual abuse</li> <li>4. Exploitation</li> <li>5. Grooming</li> <li>6. psychological, emotional or financial abuse</li> <li>7. Kidnapping or abduction</li> <li>8. Or any similar offences (Including attempted or conspiracy to commit) offences which may replace the above</li> </ol>	<p>New requirement</p>
<p>6.4 of Appendix 4</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Agenda Page 20</p>	<p>A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) to those below unless at least 5 years have passed since the completion of any sentence and/or licence period:</p> <ol style="list-style-type: none"> <li>1. racially aggravated criminal damage</li> <li>2. racially aggravated offence</li> <li>3. hate crime against property</li> <li>4. or any similar offences (including attempted or conspiracy to commit offences) which replace the above.</li> </ol>	<p><b>6.4 Discrimination</b></p> <p>A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) to those below unless at least 7 years have passed since the completion of any sentence and/or licence period:</p> <ol style="list-style-type: none"> <li>1. Racially aggravated criminal damage</li> <li>2. Racially aggravated offence</li> <li>3. Hate crime against a person or persons</li> <li>4. Hate crime against property</li> <li>5. Or any similar offences (including attempted or conspiracy to commit offences) which replace the above.</li> </ol>	<p>Strengthening policy wording and change of policy</p>

<p>6.5 of Appendix 4</p>	<p>A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) to those below unless at least 3 years have passed since the completion of any sentence and/or licence period:</p> <ol style="list-style-type: none"> <li>1. Common assault/battery</li> <li>2. Assault occasioning actual bodily harm</li> <li>3. Affray</li> <li>4. S5 Public Order Act 1986 offence (harassment, alarm or distress)</li> <li>5. S4 Public Order Act 1986 offence (fear of provocation of violence)</li> <li>6. S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)</li> <li>7. Obstruction</li> <li>8. Criminal damage</li> <li>9. Harassment</li> <li>10. Offences involving anti-social behaviour</li> </ol> <p>Or any similar offences (including attempted or conspiracy to commit offences) which replace the above</p>	<p>A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) to those below unless at least 10 years have passed since the completion of any sentence and/or licence period:</p> <ol style="list-style-type: none"> <li>1. Common assault/battery</li> <li>2. Assault occasioning actual bodily harm</li> <li>3. Affray</li> <li>4. S5 Public Order Act 1986 offence (harassment, alarm or distress)</li> <li>5. S4 Public Order Act 1986 offence (fear of provocation of violence)</li> <li>6. S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)</li> <li>7. Obstruction</li> <li>8. Criminal damage</li> <li>9. Harassment</li> <li>10. Offences involving anti-social behaviour</li> </ol> <p>Or any similar offences (including attempted or conspiracy to commit offences) which replace the above</p>	<p>Change of policy</p>
<p>6.8 of Appendix 4</p>	<p>Possession of a weapon If an applicant has been convicted of possession of a weapon or any other weapon related offence, depending on the circumstances of the offence, at least 3 years must have passed since the completion of the sentence before a licence is granted.</p>	<p>Possession of a weapon If an applicant has been convicted of possession of a weapon or any other weapon related offence, depending on the circumstances of the offence, at least 7 years must have passed since the completion of the sentence before a licence is granted.</p>	<p>Change of policy</p>
<p>6.9 of Appendix 4</p>	<p>Sexual and indecency offences As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinised. All sexual</p>	<p>Sexual and indecency offences As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinised. All sexual offences should be</p>	<p>Change of policy</p>

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Agenda Page 22</p>	<p>offences should be considered as serious. Applicants with convictions for sexual offences will normally be refused a licence upon application, renewal or review. Such offences include:</p> <ol style="list-style-type: none"> <li>1. Rape</li> <li>2. Assault by penetration</li> <li>3. Offences involving children or vulnerable adults</li> <li>4. Grooming, trafficking or other sexual exploitation related offences (adults and/or children)</li> <li>5. Making or distributing obscene material</li> <li>6. Possession of indecent photographs depicting child pornography</li> <li>7. Sexual assault</li> <li>8. Indecent assault</li> <li>9. Exploitation of prostitution</li> <li>10. Any similar offences (including attempted or conspiracy to commit offences) which replace the above</li> </ol>	<p>considered as serious. Applicants with convictions for sexual offences will normally be refused a licence upon application, renewal or review. Such offences include:</p> <ol style="list-style-type: none"> <li>1. Rape</li> <li>2. Assault by penetration</li> <li>3. Offences involving children or vulnerable adults</li> <li>4. Grooming, trafficking or other sexual exploitation related offences (adults and/or children)</li> <li>5. Making or distributing obscene material</li> <li>6. Possession of indecent photographs depicting child pornography</li> <li>7. Sexual assault</li> <li>8. Indecent assault</li> <li>9. Exploitation of prostitution</li> <li>10. Any similar offences (including attempted or conspiracy to commit offences) which replace the above.</li> <li>11. Making indecent telephone calls</li> <li>12. Importuning</li> <li>13. Indecent Exposure</li> <li>14. Soliciting (kerb crawling)</li> <li>15. Any similar offences (included attempted or conspiracy to commit offences) which replaces the above.</li> </ol>	
<p>6. of Appendix 4</p>	<p>In general, a minimum period of 3 years free of conviction, or at least 3 years since the completion of sentence (whichever is longer) should be required before granting a licence. Offences involving dishonesty include:</p> <ol style="list-style-type: none"> <li>1. theft</li> </ol>	<p>Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed. Offences involving dishonesty included but are not limited to:</p> <ol style="list-style-type: none"> <li>1. Theft</li> </ol>	<p>Change of policy</p>

	<p>2 burglary                  3 fraud                  4 benefit fraud                  5 handling or receiving stolen goods                  6 forgery                  7 conspiracy to defraud                  8 obtaining money or property by deception                  9 other deception                  10. taking a vehicle without consent                  11. or any similar offences (including attempted or conspiracy to commit offences) which replace the above.</p>	<p>2. Burglary                  3. Fraud                  4. Benefit fraud                  5. Handling or receiving stolen goods                  6. Forgery                  7. Conspiracy to defraud                  8. Obtaining money or property by deception                  9. Other deception                  10. Taking a vehicle without consent                  11. Or any similar offences (including attempted or conspiracy to commit offences) which replace the above.</p>	
6.23 of Appendix 4	<p>Driving offences involving alcohol and/or drugs</p> <p>A serious view will be taken of convictions of driving, or attempting to drive, or being in charge of a vehicle, while under the influence of drink or drugs. Where a disqualification has occurred as a result of a drug or drink driving offence, at least 7 years free of conviction should elapse after the restoration of the DVLA licence before an applicant is granted a licence</p>	<p>Driving offences involving alcohol and/or drugs</p> <p>A serious view will be taken of convictions of driving, or attempting to drive, or being in charge of a vehicle, while under the influence of drink or drugs. Where a disqualification has occurred as a result of a drug or drink driving offence, at least 7 years free of conviction should elapse after the restoration of the DVLA licence before an applicant is granted a licence.</p> <p>In the case of driving under the influence of drugs, any applicant or licence holder may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.</p>	Change of policy
6.24 of Appendix 4	<p>More than one conviction for this type of offence or one such offence within the last 5 years is likely to merit refusal.</p>	<p>More than one conviction for this type of offence or one such offence within the last 7 years is likely to merit refusal.</p>	Change of policy
6.33 of Appendix 4		<p>Using a Hand-Held Device Whilst Driving</p> <p>Where an applicant has conviction for using a hand held mobile phone or a hand held device whilst driving, a licence will not 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.</p>	New requirement

21.1 of Appendix 6	All applicants and licensed drivers must complete safeguarding training and pass the associated test	All applicants and licensed drivers must complete safeguarding training and pass the associated test within 1 year of their initial licence being issued and must attend refresher training every 3 years	New requirement
1.7 of Appendix 10		The operator, will ensure that all dispatch/booking staff attend a safeguarding training session with the council at the time of employment and every 3 years thereafter.	New requirement
1.8 of Appendix 10		The operator, will ensure that all dispatch/booking staff have a Basic DBS check on commencement of employment and keep record in line with 2.1.2 below.	New requirement
2.1.2 of Appendix 10		<p>The operator shall maintain at their premises particulars of all staff who take bookings or dispatch vehicles, which shall include the following:</p> <ul style="list-style-type: none"> <li>(i) Name and address of staff member</li> <li>(ii) Date of last Basic disclosure check</li> <li>(iii) Basic disclosure check number</li> <li>(iv) Date of safeguarding training</li> </ul>	New requirement
2.4 of Appendix 10 Agenda Page 24	<p>The operator shall enter in a bound book or electronic record, the pages of which are numbered consecutively, particulars of every private hire booking and the particulars shall be entered in the book at the time of the booking and shall include the following:</p> <ul style="list-style-type: none"> <li>(i) the time and date of each booking;</li> <li>(ii) by what method the booking was received, i.e. telephone call or personal call;</li> <li>(iii) journey from ..... to .....</li> <li>(iv) the name of the hirer and where the booking is received from another operator, the name of that operator;</li> </ul>	<p>The operator shall enter in a bound book or electronic record, the pages of which are numbered consecutively, particulars of every private hire booking and the particulars shall be entered in the book at the time of the booking and shall include the following:</p> <ul style="list-style-type: none"> <li>(i) the time and date of each booking;</li> <li>(ii) by what method the booking was received, i.e. telephone call or personal call;</li> <li>(iii) journey from ..... to .....</li> <li>(iv) the name of the hirer and where the booking is received from another operator, the name of that operator;</li> </ul>	New requirement



	(v) the private hire vehicle and/or ambulance vehicle licence plate number and the name and licence number of the driver which will attend or, where the booking is passed onto another operator, the name of that operator.	(v) the private hire vehicle and/or ambulance vehicle licence plate number and the name and licence number of the driver which will attend or, where the booking is passed onto another operator, the name of that operator. (vi) The name of the staff member who took the booking/dispatched the vehicle.	
2.10 of Appendix 10		The operator is required to maintain a policy on the employment of ex-offenders who may work for the operator or undertake work on behalf of the operator in order to ensure such persons do not pose a risk to the safety of the public. Applicant and licence holders are advised to note the position the council takes in its relevant convictions policy when formulating such a policy.	New requirement
2.11 of Appendix 11		The operator will ensure that the company maintains a Safeguarding Policy that addresses the needs of the protection of children and vulnerable adults whom the operator provides	New requirement

Newark and Sherwood District Council

# Taxi Policy



Hackney Carriage and  
Private Hire  
Licensing Policy



DRAFT

**HACKNEY CARRIAGE  
AND PRIVATE HIRE  
LICENSING POLICY**

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Policy and Licensing Conditions  
Handbook

2021

## TABLE OF CONTENTS

	Page
<b>1.0 Introduction</b>	
1.1 Powers and Duties	
1.2 Objectives	
1.3 Implementation	
1.4 General Purposes Committee	
<b>2.0 Application Processes - Private Hire/Hackney Carriage and Ambulance Drivers</b>	
2.1 Driving Licence	
2.2 Non-British Drivers	
2.3 Driver Knowledge Tests	
2.4 Driving Proficiency	
2.5 Driver Qualification	
2.6 Medical Examination	
2.7 Criminal Records Disclosure	
2.8 Relevance of Convictions, Cautions, etc	
2.9 Convictions/Cautions during period of Licence	
2.10 Renewal of Licences	
2.11 Driver's Conduct	
2.12 Conditions of Licence	
2.13 Dress Code	
2.14 Vulnerable Passengers	
2.15 Safeguarding Training	
2.16 Driver hours	
<b>3.0 Private Hire and Ambulance Operators</b>	
3.1 Requirements and Obligations	
3.2 Fit and Proper	
3.3 Address from which an operator may operate	
3.4 Operator's Conditions	
3.5 Operator responsibility relating to vehicles/ drivers	
<b>4.0 Hackney Carriage/ Private Hire and Ambulance Vehicles</b>	
4.1 Limitation of Numbers	
4.2 Application Process	
4.3 Specifications and Conditions	
4.4 Accessibility	
4.5 Maximum age of vehicles	
4.6 Vehicle Testing	
4.7 Signage and Advertising	
4.8 Security /CCTV	

## **5.0 Hackney Carriage Ranks**

5.1 Location and Provision

## **6.0 Limousines, Special Event and Non-Standard Vehicles**

6.1 Limousines

6.2 Special Event Vehicles and Courtesy Cars

## **7.0 Enforcement and Compliance**

7.1 Enforcement Activity

7.2 Penalty Points System

7.3 Suspension and/ or Revocation of Licence

7.4 Refusal to Renew

7.5 Complaints against Drivers

7.6 Appeals

- 1 Application Procedures
- 2 Matters Examined in the Driving Ability Test
- 3 Drivers with Diabetes
- 4 Relevance of Convictions Policy
- 5 Code of Conduct
- 6 Standard Conditions relating to Drivers
- 7 Dress Code
- 8 Code of Conduct - Vulnerable Passengers
- 9 Planning Requirements for Operators
- 10 Operator Licence Conditions
- 11 Vehicle specification
- 12 Mini bus and Multi-Purpose Vehicle (MPV) specification
- 13 Special event vehicle specification
- 14 Ambulance vehicle specification
- 15 Hackney Carriage and Private Hire Vehicle conditions
- 16 Vehicle testing
- 17 CCTV in Hackney Carriages and Private Hire Vehicles
- 18 Taxi ranks
- 19 Penalty Points Scheme

## **1.0 INTRODUCTION**

### **1.1 Powers and Duties**

1.1.1 This Statement of Licensing Policy is written pursuant to the powers conferred by the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976, as amended, which places on Newark and Sherwood District Council (“the Council”) the duty to carry out its licensing functions in respect of hackney carriages and private hire vehicles. The powers contained in Part II Local Government (Miscellaneous Provisions) Act 1976, were adopted on 1<sup>st</sup> April 1978.

1.1.2 This policy statement sets out the approach the Authority (Newark and Sherwood District Council) will take in the licensing of hackney carriage and private hire vehicles, private ambulances, special event vehicles, drivers and operators when considering, and making decisions on, applications and enforcement actions made under this regime. The Council will aim to apply this policy statement in a consistent manner; however, the Authority may depart from this policy statement if it has reason to do so, but will give full justification for such departure.

### **1.2 Objectives**

1.2.1 Hackney carriage and private hire vehicles play a vital part in an integrated transport system. They provide safe, secure and comfortable transport, offering an on-request door to door service in various circumstances, including where other forms of transport are either not available (rural areas and late evenings) or for persons with mobility difficulties.

1.2.2 As a result the district has a large fleet of licensed hackney carriages and private hire vehicles. These vehicles provide an essential link in the transport facilities of the district. They also perform a vital function in providing transport for those who have no other access to cars and for those who find the use of public transport difficult. In addition, the Council issues a special class of private hire licences for specially adapted vehicles used as private ambulances.

1.2.3 In setting out its policy and carrying out the licensing functions, the Council will seek to promote the following objectives:

- The protection of public health and safety
- The preservation of a professional and responsible hackney carriage and private hire trade
- Access to an efficient and effective public transport service
- The protection of the environment.

1.2.4 This policy aims to balance the above objectives with the need to support across the district a viable trade in hackney carriage and private hire businesses. Each policy has been considered to ensure that it can be justified when considering the balance between the cost of the requirement against the benefit to the public.

1.2.5 The Council acknowledges that the current fleet of hackney carriage and private hire vehicles and drivers sets a high standard of appearance and performance, of which the Council is proud. This policy seeks to reinforce the existing high standards to all existing and all new licence holders joining the trade in Newark and Sherwood and to emphasise the full range of enforcement options available should they be needed.

1.2.6 In formulating this policy, consideration has been taken of:

- The Office of Fair Trading “The Regulation of Licensed Taxi and PH Services in the UK” 2003
- Guidance on the Rehabilitation of Offenders Act 1974 – March 2014
- Disclosure & Barring Service Information Note on Rehabilitation of Offenders Act 1974 and Police Act 1997 Orders - 2013
- Regulators’ Code 2014
- The Department for Transport “Taxi and Private Hire Vehicle Licensing: Best Practice Guidance” March 2010
- The Department for Transport “Statutory Taxi and Private Hire Standards” July 2020

### **1.3 Implementation**

1.3.1 This policy shall take effect from 1<sup>st</sup> April 2021 and the Authority expects new applicants and current licence holders to comply with its terms immediately. All current licence will be reviewed against the new policy standards.

1.3.2 This policy will be reviewed every 5 years but may be subject to interim reviews as required. The authority will consult where appropriate on the proposed revisions with the taxi trade and the trades’ customers.

1.3.3 From the effective date, this policy will override and supersede all existing policies in relation to hackney carriage and private hire licensing. All licence holders will be made aware of the effective date.

1.4 General Purposes Committee

1.4.1 The General Purposes Committee is the designated committee for considering the Hackney Carriage and Private Hire licensing regime and acts as an impartial quasi-judicial licensing authority. It’s role is to determine whether licences



should be granted, renewed or in cases where the licence holder falls below the standards required by the Authority to revoke or suspend.

1.4.2 All members of this committee will be sufficiently trained to allow them to make informed decisions. Without this training members will not be permitted to sit on a taxi sub/committee.

## **2.0 APPLICATION PROCESSES - PRIVATE HIRE/HACKNEY CARRIAGE AND AMBULANCE DRIVERS**

### **2.1 Driving Licence**

2.1.1 It is Council policy to issue a dual driver's badge for both hackney carriage and private hire. Licences shall normally be issued for a maximum period of three years. A lesser licence period maybe granted dependent upon the specific circumstances of that case, if a licensee has requested one or where required (e.g. when the licence holder's leave to remain in the UK is time limited) or when the licence is only required to meet a short-term demand; they should not be issued on a 'probationary' basis. The following will be required as part of an application:

- A fully completed and signed application.
- An enhanced check from the Disclosure and Barring service is required on application and applicants are required to join and maintain membership of the DBS update service in order that their status can be checked annually.
- A Driver and Vehicle Licensing Agency (DVLA) licence history, required on application and every year.
- A completed medical examination with the Council's appointed medical adviser on application and in line with the Council's policy.
- A completed statutory declaration of convictions
- The required fee
- Attendance at safeguarding training within 12 months of the initial badge being issued.

2.1.2 Applicants shall provide proof that they have a statutory right to work in the UK and any applicant that has a limited right to work shall not be issued a driver licence for a period longer than that limited period.

2.1.3 The information submitted as part of the application process will be shared, when applicable, with other Council departments and external statutory bodies e.g. Police and HM Customs & Excise.

2.1.4 An individual will not be considered fit and proper to hold a licence if there is any evidence of dishonesty, and/or it can be shown that an applicant or existing licence holder has misled, or attempted to mislead, the Council (either officers

or members of the General Purposes Committee) as part of any process associated with the administration or determination of a licence.

2.1.5 The licensing authority provides information to the National Register of Taxi Licence Refusals and Revocations (NR3), a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or Private Hire Vehicle (PHV) licence revoked, or an application for one refused. This is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the licensing authority – that is, assessing whether an individual is a fit and proper person to hold a hackney carriage or PHV licence. Therefore:

- Where a hackney carriage/ PHV licence is revoked, or an application for one refused, the authority will automatically record this decision on NR3.
- All applications for a new licence or licence renewal will automatically be checked on NR3. If a search of NR3 indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3 search will only be used in respect of the specific license application and will not be retained beyond the determination of that application.

The information recorded on NR3 itself will be limited to:

- name
- date of birth
- address and contact details
- national insurance number
- driving licence number
- decision taken
- date of decision
- date decision effective

Information will be retained on NR3 for a period of 25 years.

This is a mandatory part of applying for a hackney carriage / PHV driver licence. The authority has a published policy on the approach it will take to requests by other authorities for further information about entries on NR3, and about the use it will make of any further information provided to it. You can read that policy at [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk)

Information will be processed in accordance with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR). Any searches, provision or receipt of information of or under NR3 are necessary to the authority's statutory licensing functions of ensuring that all drivers are fit and proper to hold the applicable licence. It is not intended that any NR3 data will be transferred out of the United Kingdom.

If you wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the GDPR, you can do so to the authority's Data Protection Officer at [freedom@nsdc.info](mailto:freedom@nsdc.info). This includes submitting a subject access request.

You always have the right to make a complaint to the Information Commissioner's Office (ICO). Advice on how to raise a concern about handling of data can be found on the ICO's website: <https://ico.org.uk/make-a-complaint/>

2.1.6 Application procedures are set out in Appendix 1.

## **2.2 Non-British Drivers**

2.2.1 There are additional requirements for applicants who have resided in European Economic Area countries and worldwide. Applicants are required to provide the local authority with a Certificate of Conduct from a relevant embassy. There are additional details contained in Appendix 1.

## **2.3 Driver knowledge tests**

2.3.1 The Council considers it necessary for hackney carriage and private hire drivers to know the area.

2.3.2 In order to assist the Authority in determining the fitness of an applicant to hold a hackney carriage and/or private hire driver's licence, applicants are required to undertake a knowledge test. The test consists of seven parts; the first two parts will challenge the applicant's knowledge of UK motoring law and good practice, common road signs and the highway code, the next three sections will test the applicant on numeracy, customer care (including English language) and taxi law and conditions and the final two sections require knowledge on locations and the road network.

## **2.4 Driving proficiency**

2.4.1 The Driving Standards Agency (DSA) provides a driving assessment specifically designed for both private hire and hackney carriage drivers. This Authority believes that the standard DVLA driving test supported by a local driving ability test is sufficient evidence of driving competency for drivers of private hire and hackney carriage vehicles. It is considered that introducing a requirement that drivers pass the specific DSA test would not produce benefits which are commensurate with the costs involved. However, this matter will be kept under close review. The matters examined in the driving test are set out in Appendix 2

## **2.5 Driver qualification**

2.5.1 At present there are no additional requirements for driver qualification. The Council wishes to support drivers so they can offer a high standard of service throughout the district. Whilst this matter will be kept under close review, if minded to do so, the Council would consider the introduction of a requirement for all licensed drivers to hold an approved driver qualification (for example, NVQ and/or BTEC).

## **2.6 Medical examination**

2.6.1 The Council recognises that licensed drivers should have more stringent medical standards than those applicable to normal car drivers because they carry members of the public who have expectations of a safe journey, they are on the road for longer hours than most car drivers and they may have to assist disabled passengers and handle luggage. Therefore the Authority requires Group II Standards of Medical Fitness to Driver, as applied by the DVLA to the licensing of lorry and bus drivers, to be the appropriate standard for licensed hackney carriage and private hire drivers.

2.6.2 The Council requires that applicants and current drivers undergo medicals through the Council's preferred third party provider. The medical will be taken at the applicant's own expense and they are responsible for making their own arrangements for this to take place. The medical certificate will be produced to the Council to support any new application and, in the case of a renewal, before the renewal of the licence is granted.

2.6.3 Licence holders shall advise the Authority of any deterioration in their health that may affect their driving capabilities. Where there is any doubt as to the medical fitness of the applicant, the Authority may require the applicant to undergo and pay for a further medical examination by a medical doctor appointed by the Authority. Where there remains doubt about the fitness of any applicant, the Committee will review the medical evidence and make a final decision in light of the medical evidence available. No licence shall be issued until medical clearance (if required) has been established. The Council has a specific policy regarding insulin dependent drivers and this is set out in Appendix 3.

## **2.7 Criminal Record disclosures**

2.7.1 A criminal record check on a driver is seen as an important safety measure. Enhanced Disclosure through the Disclosure and Barring Service (DBS) is required as these disclosures include details of convictions, police cautions and other relevant information. The Council use a third party to carry out the Enhanced DBS check and payment for this service will be made directly to the third party.

2.7.2 It is the responsibility of the applicant to ensure the DBS disclosure form is correctly completed, licensing officers will check the accuracy of completed forms before they are sent to the third party for processing the DBS. The Council is not responsible for any errors.

2.7.3 DBS disclosures are transferable from one agency to another where "other workforce" category has been selected. Applicants will be required to join and maintain the DBS update service for as long as they are a licensed driver.

2.7.4 The DBS certificate will be checked at the time of application and every 6 months using the DBS update service for the duration of the licence.

2.7.5 Where a decision is made to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, will be referred to the DBS.

## **2.8 Relevance of convictions, cautions etc.**

2.8.1 In assessing whether the applicant is a fit and proper person to hold a licence, the Authority shall consider each case on its merits. It will take account of the details of the disclosure, but only insofar as they are relevant to an application for a licence.

2.8.2 Accordingly, upon receipt of an Enhanced Disclosure from the DBS, licensing officers will assess whether any or all of the conviction(s) and any additional information received is capable of having real relevance to the issue of whether or not the applicant is a fit and proper person to hold a licence. Licensing officers will only bring a case before the Committee where the number and/or nature of the convictions against the applicant raise doubts as to whether that individual is a fit and proper person to hold the respective driver licence. Appendix 4 sets out in more detail the relevance and effect of criminal convictions on applications.

2.8.3 In the interests of public safety, licensing authorities should not, as part of their policies, issue a licence to any individual that appears on either barred list.

## **2.9 Convictions and/or formal cautions during period of licence**

2.9.1 Where offences leading to conviction and/or formal caution are committed by licensed drivers, it is important, in the interests of consistency and transparency, that a procedure is in place to consider what effect this should have on their licence.

2.9.2 Accordingly, drivers who are convicted and/or cautioned for any criminal or motoring offence during the currency of their licence must disclose the conviction and/or caution, as well as any penalty imposed, in writing to the

Council without delay, and in any event within seven days. (For these purposes a fixed penalty motoring offence amounts to a conviction).

2.9.3 If a licensed driver ceases to have a valid DVLA driving licence then their driver's licence issued by this Authority shall be deemed invalid.

2.9.4 Where any driver fails to notify the Authority of any convictions and/or formal cautions, this may result in prosecution or referral to the Committee, or both. It may also result in "Penalty Points" being added to the driver's record.

2.9.5 Offences committed by a licensed driver and whether they will be referred to committee will be considered on the criteria set out in paragraph 2.8.2 and Appendix 4 to determine whether they are still a fit and proper person to hold a licence.

## **2.10 Renewal of licences**

2.10.1 The Council will send out the appropriate forms for the renewal of a driver's licence two months before the expiry of the current licence. These will include any requirements for medical or criminal record checks. If the forms are not returned within two weeks of the date of renewal of the licence, it will lapse on its expiry date with no guarantee that the new licence will be available. In that event the driver will have to make a fresh application and be subject to a medical exam, the Knowledge Test and a Driving Ability Test.

## **2.11 Driver's Conduct**

2.11.1 Adopting a Code of Good Conduct for hackney carriage and private hire licence holders serves to promote the Council's licensing objectives in respect of the hackney carriage and private hire trades.

2.11.2 The standards expected of licence holders are detailed in the Code of Good Conduct included in this policy document as Appendix 5. This appendix should be read in conjunction with the other statutory and policy requirements detailed in this document.

2.11.3 Any driver who has a licence revoked will not have an application considered within a three year period from the date of the revocation.

## **2.12 Conditions of licence**

2.12.1 The Authority is empowered to attach conditions to a hackney carriage and/or private hire driver's licence as are considered necessary.

2.12.2 Once a driver's licence has been granted, the driver must abide by the conditions of the licence and the hackney carriage bye-laws. These conditions are set out as Appendix 6. The Authority considers that the

conditions of licence are reasonable, necessary and appropriate for all licensed drivers.

### **2.13 Dress code**

2.13.1 Anything that serves to enhance the professional image of the private hire and taxi trade and promotes the concept that drivers of licensed vehicles are ambassadors of the district is to be supported. The dress code set out at Appendix 7 shall be adhered to by all drivers at all times.

### **2.14 Vulnerable Passengers**

2.14.1 A vulnerable passenger is a passenger whose age or disability means that they are more susceptible to harm than a typical passenger. This may be a child, elderly person, someone with learning difficulties or someone under the influence of drugs or alcohol.

2.14.2 It is essential that vulnerable people are safeguarded and protected whilst being transported in a licensed vehicle. A code of conduct for working with vulnerable passengers can be found at Appendix 8. It is a condition of all driver licences that this code of conduct is complied with at all times.

### **2.15 Safeguarding Training**

2.15.1 Every new applicant will undergo Safeguarding Vulnerable Passengers training within 12 months of the initial licence being granted. The training involves attending a training session at a location approved by the Council and the applicant will also complete and pass the test at the end of the session. Current licence holders will also undertake the training within 12 months of the renewal dates of their licence. Failure to pass the test will result in the applicant or current licence holder re-taking the training session and exam at their own cost. Should the applicant or current licence holder fail the test for a third time, in the case of a new applicant the application will be refused, in the case of a current driver the application to renew will be refused or, if mid-term, a licence may be revoked.

**2.15.2 Drivers will be required to attend safeguarding refresher training every 3 years.**

### **2.16 Driver Hours**

2.16.1 There are no direct controls over the hours that hackney carriage and private hire drivers can work. There are, however, limits applicable to drivers and crews of heavy goods vehicles or public service vehicles.

2.16.2 The Licensing Authority deems that the number of hours worked by drivers can impact public safety and, as a result, seeks to promote the same limits that are applicable to drivers and crews of heavy goods vehicles or public service vehicles, namely:

- An average of 48 hours per week calculated over a 17 week period normally;
- In any single week up to 60 hours providing the 48 hour limit is maintained;
- Night work is limited to 10 hours per night unless there is an agreement to work longer hours;
- Working between 6 and 9 hours per day requires breaks totalling 30 minutes. If more than 9 hours is worked then breaks must total 45 minutes. Breaks must be of at least 15 minutes in duration.

2.16.3 The Licensing Authority recommends that these requirements are used as a guideline to ensure drivers are fit to drive and that public safety remains paramount at all times. Further guidance is available from the Council's website or upon request.



### **3.0 PRIVATE HIRE AND AMBULANCE OPERATORS**

#### **3.1 Requirements and Obligations**

3.1.1 A private hire or private hire ambulance vehicle must be operated by an individual or firm who holds a licence to operate such vehicles issued by Newark & Sherwood District Council. The Council has to be satisfied that any applicant is a fit and proper person to hold an operator's licence.

3.1.2 The Council will presume against the issue of an operator's licence where the operating premises and/or the principal area of operation of the business is not situated in the district of Newark & Sherwood.

3.1.3 A private hire vehicle may only be despatched to a customer by a private hire operator who holds a private hire operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a private hire vehicle.

3.1.4 A private hire operator must ensure that every private hire vehicle has a current private hire vehicle licence and is driven by a person who holds a current private hire driver's licence.

3.1.5 The licences for:

- (i) private hire driver's licence and
- (ii) private hire vehicle licence

must be issued by the same Licensing Authority.

3.1.6 An application for an operator's licence must be made on the prescribed form, together with the appropriate fee. The Council will then decide whether the applicant is a fit and proper person to hold an operator's licence.

#### **3.2 Fit and proper**

3.2.1 The Council will only issue licences to applicants that are deemed to be fit and proper. In assessing this, the Council will have regard to the following:

- Criminal record (including convictions, cautions, warnings and reprimands),
- Factors such as demeanour, general character, non-criminal behaviour, honesty and integrity,
- Previous conduct (particularly in cases where the applicant holds or has previously held a licence issued by Newark & Sherwood District Council),

- Business practices demonstrated by the applicant (for example standard of record keeping, compliance with other regulatory requirements, financial practices etc.)

The 'fit and proper' test will be applied to each of the directors or partners in a company or partnership.

3.2.2 In addition the Council will also consider further information sources such as the Police, Children and Adult Safeguarding Boards, other licensing authorities and statutory agencies.

3.2.3 If an application is received from a person who is not a current driver licensed by Newark & Sherwood District Council then the applicant will be required to provide a Basic Disclosure from the Disclosure and Barring Service on an annual basis, and undertake the council's Child and Adult Safeguarding Awareness Training (as required by licensed drivers).

3.2.4 All cases will be considered on their own merits

### **3.3 Address from which an operator may operate**

3.3.1 The operator's licence will be issued for a specific address and it will be a condition of the licence that only the number of vehicles specified in the licence is operated from that address.

3.3.2 The operating address will be the one at which the vehicles run by the operator will be kept when they are not actually being hired. It is therefore a requirement that the applicant demonstrates that he has the appropriate planning permission in place for the use of the premises as an operating base. This will include any permission required for any radio mast and to keep however many vehicles the operator proposes to run from the premises. The provisions relating to planning permission for private hire or ambulance operators is set out at Appendix 9. If the appropriate permission is not in place then a licence may not be granted, revised or renewed until it is.

### **3.4 Operator's Conditions**

3.4.1 Any operator's licence issued by the Council will be subject to the conditions set out in Appendix 10, depending on the class of licence and subject to any variations made by the Council in granting the licence.

### **3.5 Operator responsibility in relation to vehicles / drivers that are operated**

3.5.1 The operator is responsible for all persons (and vehicles) that are employed, contracted or otherwise used in the course of their business. To that end, the operator must undertake sufficient checks to satisfy themselves that only suitable drivers and vehicles are used (and continue to be used) in the course of

their business. The failure of an operator to ensure that appropriate checks are carried out may call into question the operator's fitness and propriety. In addition, a failure to take appropriate action in relation to drivers that persistently breach licence conditions may also be detrimental to the continued fitness and propriety of the operator. The following are examples of circumstances that may affect the fitness and propriety of a private hire operator:

- Licensed drivers or vehicle proprietors persistently (either individually or as a group) breaching the conditions of their licence whilst working for / under the instruction of a particular operator.
- Vehicles being operated that are in an unsuitable condition.
- Failure by the operator to satisfactorily address concerns in relation to licensed drivers / vehicle proprietors (including matters related to child / adult safeguarding).
- Failure to monitor a driver's working hours to ensure they are safe to transport the public.

3.5.2 Operators may be issued with enforcement penalty points as a result of the actions of the drivers / vehicle proprietors that are working for them or under their control.

3.5.3 The council expects licensed operators to support the council in its aims to raise awareness of and tackle issues around child and adult safeguarding. Operators must remain alert to these and similar issues.

## **4.0 HACKNEY CARRIAGE, PRIVATE HIRE AND AMBULANCE VEHICLES**

### **4.1 Limitation of numbers**

4.1.1 No powers exist for the Council to limit the number of private hire vehicles or ambulance vehicles that they licence.

4.1.2 The grant of a hackney carriage licence may be refused for the purposes of limiting the numbers of licensed vehicles, if the Council is satisfied that there is no significant unmet demand for the services of hackney carriages within the district.

4.1.3 The Council currently has no policy to limit the number of hackney carriages which may be licensed within the district.

### **4.2 Application Process**

4.2.1 The applicant must submit the following to the Council in order for the application to be considered valid:

- The vehicle application form;
- The appropriate fee;
- The original of the Vehicle Registration Document (Log Book/V5) certificate of registration for the vehicle (the new keeper's supplement section of the V5 document will be accepted in the case of vehicles that are not licensed at the time that the application is made, and the vehicle has recently been purchased by the applicant (documentary evidence will be required). Licences will not be renewed unless the full V5 document is made available to the council at the time of application);
- The original insurance certificate or insurance cover note for the vehicle (this must be provided before the licence is issued)
- Any vehicle over one year old must have a current MOT certificate valid for at least three months or arrangements should be made with the appointed testing station to carry out the MOT test at the same time as the supplementary plating test takes place, at the applicant's own cost. In the case of the latter the MOT certificate will be produced with the pass certificate before the licence and plates are issued.

And in addition:

- Any vehicle not manufactured with European Whole Vehicle Type Approval will be required to undergo Single Vehicle Approval (SVA) testing and evidence of that testing and the vehicle having obtained SVA to be produced to the licensing office.

4.2.2 Hackney Carriage proprietors who are not licensed drivers are required to provide the local authority with a basic disclosure from the DBS annually. The Licensing Authority will apply the 'fit and proper' test

### **4.3 Specifications and conditions**

- 4.3.1 Local Authorities have a wide range of discretion over the types of vehicle that they can licence as private hire vehicles. Government guidance suggests that local licensing authorities should adopt the principle of specifying as many different types of vehicle as possible. However, it must be suitable in type size and design for such use, must not be capable of confusion with a hackney carriage, be in suitable mechanical condition and safe and comfortable.
- 4.3.2 The Council has therefore set out both general and detailed specifications (see Appendices 11 to 14) for hackney carriage, private hire and ambulance vehicles which are designed to ensure that all vehicles licensed by it fit these criteria. The Council does not set out a list of vehicle marques but the specification will mean that some vehicles will not be acceptable. If an applicant is unsure whether a particular vehicle meets the specification or whether it can be altered to fit the specification, then advice should be sought from the Council's Licensing Section before the vehicle is purchased.
- 4.3.3 Vehicles will, in general, be licensed for the carriage of up to four passengers, but applications in relation to larger vehicles that can accommodate up to eight passengers shall be accepted, provided that there is compliance with the specification applicable to such vehicles.
- 4.3.4 It is a requirement that all licensed vehicles must comply with all the conditions applicable to their vehicle at all times. These conditions are set out in Appendix 15.

### **4.4 Accessibility**

- 4.4.1 The Authority is committed to social inclusion and ensuring that a wide variety of opportunities is available to those with mobility difficulties in order to enjoy a high quality of life.
- 4.4.2 Hackney carriages and private hire vehicles are an essential mode of transport for many disabled and older people. The combination of the personal service they offer, their wide availability and door to door operations enable them to respond particularly well to the travelling needs of people with disabilities.
- 4.4.3 For this reason, the Authority considers it important that people with disabilities have access to all forms of public transportation and encourages hackney carriage proprietors and private hire operators and drivers to use vehicles that will assist those passengers with mobility difficulties.

4.4.4 Different accessibility considerations should apply between hackney carriages and private hire vehicles in that hackney carriages can be hired in the street or at a rank by the customer dealing directly with a driver. Private hire vehicles, however, can only be booked through an operator. It is considered particularly important that a person with a disability should be able to hire a hackney carriage with the minimum delay or inconvenience. Having an acceptable proportion of accessible hackney carriages available helps ensure that this is possible. The Council will, therefore, actively encourage the licensing of sufficient accessible vehicles and have regard to the requirements of the Equality Act 2010 and all relevant equalities and disability legislation.

#### **4.5 Maximum age of Vehicles**

4.5.1 Vehicles must be under four years old on first registration and not over eight years old on renewal. A purpose built or wheelchair accessible hackney carriage must be under seven years of age when first licensed and not over 12 years of age on renewal.

4.5.2 Vehicles operating as private ambulances only must be under seven years of age when first licensed and not over 12 years of age on renewal.

#### **4.6 Vehicle Testing**

4.6.1 The Authority needs to be satisfied that licensed vehicles operating within its area are safe to do so.

4.6.2 Vehicles are granted licences for a maximum period of 12 months. Prior to being granted a licence, each vehicle shall be examined and tested at a vehicle testing station approved by the Council. Once licensed, the vehicle undergoes a further full examination and test at a vehicle testing station approved by the Authority at six monthly intervals. Testing is carried out in accordance with the Supplementary Testing Manual as set out in Appendix 16.

4.6.3 Licensed vehicles that fail an authorised examination and test and are deemed unsafe as a passenger vehicle by the vehicle examiner may result in the vehicle proprietor being issued with a suspension notice, in order to prevent the vehicle being used to carry passengers until the defect(s) is/are remedied. The suspension will not be lifted until the vehicle has undergone a further test, at the proprietor's expense, and been passed as fit for use by the Council. If the defect is not repaired within two months from the service of the suspension notice, the vehicle licence shall be revoked.

#### **4.7 Signage and advertising**

4.7.1 It is important that the public should be able to identify and understand the difference between a hackney carriage and a private hire vehicle. A hackney

carriage shall carry upon the roof, or as an alternative in or on the windscreen of the said vehicle, a sign which shall include the word "Taxi" or "For Hire" and shall be capable of being illuminated internally at all times when the vehicle is plying for hire, but not otherwise; and such sign shall be fixed in such manner and position and to be of such size as shall be approved by the Council.

- 4.7.2 A private hire vehicle shall NOT display any sign which might reasonably be taken to indicate that the vehicle is a hackney carriage, and for this purpose includes the word 'Taxi' or 'Cab' in the singular or the plural, or any word of similar meaning or appearance, or such words in combination with any other word or words, which shall be taken to indicate that the vehicle is a hackney carriage licensed to ply for hire
- 4.7.3 Vehicle identification plates are a key feature in helping to identify vehicles that are properly licensed. All licensed vehicles, except those designated private ambulance vehicles and those deemed "prestige" vehicles by the Authority, shall display plates on the rear of the vehicle.

#### **4.8 Security/CCTV**

- 4.8.1 The hackney carriage and private hire trades provide a valuable public service, particularly late at night when other forms of public transport are not available. Security for drivers and passengers is of paramount importance. CCTV can be a valuable deterrent, as well as protection for the driver from unjustified complaints.
- 4.8.2 It is not the policy of the Council to require in vehicle CCTV as part of the licensing regime, as it is considered that it is best left to the judgement of the owners and drivers themselves.
- 4.8.3 A vehicle CCTV system should not be installed without prior approval from the Council and shall meet the requirements of any specifications required by the Council as set out in Appendix 17.

## **5.0 HACKNEY CARRIAGE RANKS**

### **5.1 Location and Provision**

- 5.1.1 The purpose of hackney carriage ranks is to provide the public with a set location where they can hire a licensed hackney carriage. The rank is the only situation where a hackney carriage may ply for hire in a stationary position and shall be situated in locations where the public most need hackney carriages, for example adjacent to transport facilities, retail areas and places of employment, entertainment and leisure facilities. Stands are sited so that passengers can board or alight from the vehicle safely. Stands can be for continual or part time use.
- 5.1.2 The provision of hackney carriage stands is not a legal requirement and may be removed or relocated at the discretion of the Authority.
- 5.1.3 The Authority shall work with the hackney carriage trade and other stakeholders to keep taxi ranks under constant review. Details of the locations of all taxi ranks in the district are provided at Appendix 18.



## **6.0 LIMOUSINES, SPECIAL EVENT AND NON-STANDARD VEHICLES**

### **6.1 Limousines**

6.1.1 Any limousines with eight seats or less must be licensed as a private hire vehicle.

6.1.2 All applications to licence stretched limousines as private hire vehicles will be treated on their own merits. It is, however, proposed that imported stretched limousine type vehicles:

- be granted an exemption from the requirement under the conditions of licence for private hire vehicles to be right hand drive; and
- be approved for licensing as private hire vehicles subject to the additional conditions detailed in Appendix 13.

6.1.3 These vehicles must display appropriate signage, issued by this Council, which states details of the vehicle, issue date and the number of persons allowed to be carried.

6.1.4 Drivers of limousines and executive vehicles will complete the licensing application process in the same way as any other licensed driver.

6.1.5 Foreign Vehicles: All vehicles used for these purposes must meet relevant British or European standards. Any alterations to a manufacturer's standard specification will require M1 EWVTA. Any subsequent changes to the vehicle will invalidate this approval.

6.1.6 When a vehicle has been imported into this country, the importer must produce a declaration from the testing authority (DVSA) that the vehicle will never carry more than eight passengers.

### **6.2 Special events vehicles and courtesy cars**

6.2.1 The Council considers the following types of vehicles to be 'special event vehicles' in the context of licensing:

- decommissioned emergency service vehicles
- vintage vehicles
- other non-standard type converted vehicles used for special events.

6.2.2 The above list is not exhaustive and other types of vehicle may be considered from time to time. When considering an application for a speciality vehicle, the Council will have regard to Appendix 13.

6.2.3 Courtesy cars used for transporting customers to and from specific venues such as hotels and nightclubs, whether operated with or without charge to the

customer, are considered to be private hire vehicles. These vehicles must meet private hire requirements.

## **7.0 ENFORCEMENT AND COMPLIANCE**

### **7.1 Enforcement Activity**

7.1.1 It is recognised that well directed enforcement activity by the Council benefits not only the public but also the responsible members of the hackney carriage and private hire vehicle trades. Once licensed, it is essential that all drivers and vehicles comply with the conditions of licence and appropriate legislation. Therefore, the Authority will make arrangements to monitor drivers and vehicles and take appropriate enforcement action. Enforcement visits will therefore be carried out as a response to a complaint(s) or as part of a proactive targeted initiative.

7.1.2 In pursuing its objective to encourage responsible hackney carriage and private hire businesses, the Council will operate a risk based, proportionate disciplinary and enforcement regime. In order to balance the promotion of public safety with the need to prevent unnecessary interference in a licence holder's business, the Council will only intervene where it is necessary and proportionate to do so, having regard to the objectives outlined in this policy.

7.1.3 The Corporate Enforcement Policy for the Council, along with the Regulator's Code, embeds the principles of enforcement that will be followed. In line with these principles, the Council will:

- carry out its activities in a way that supports those they regulate to comply and grow
- provide simple and straightforward ways to engage with those they regulate and hear their views
- base its regulatory activities on risk
- share information about compliance and risk
- ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply
- ensure that its approach to their regulatory activities is transparent.

7.1.4 Compliance assessment is ultimately to ensure that the driver or operator is a 'fit and proper' person to hold a licence and/or the vehicle is safe. The safety of passengers, pedestrians and other road users is paramount.

7.1.5 Where appropriate, referrals will be made to other agencies such as the Police, HM Customs & Excise and both Adult and / or Child Safeguarding teams.

7.1.6 The Council will respond to complaints made by the public and referrals from other agencies and bodies. In addition, officers will undertake proactive inspections and testing as either day to day activity or as part of programmed operations.

7.1.7 Any breach of the required standards, policies and conditions may lead to suspension and/or revocations or the issuing of penalty points, suspension, and revocation of the licence or prosecution.

7.1.8 The Council have authorised officers from other Nottinghamshire authorities so that compliance and enforcement action can be taken against licence holders from outside their area, where the need arises.

## **7.2 Penalty Points System**

7.2.1 The Council has a responsibility to ensure that all drivers, owners and operators of vehicles adhere to basic minimum standards. The Council must do this in a reasonable, consistent and transparent manner. These standards are defined by legislation and by this policy document. Together they identify the Council's requirements of the trade and help to ensure consistent application of these standards by council officers.

7.2.2 In order to ensure compliance with the Council's Hackney Carriage and Private Hire Licensing Policy and to monitor a licence holder's ability to fulfil the 'fit and proper' test, a penalty points system will be utilised.

7.2.3 The system, as described in Appendix 19, will serve both as an early warning system to licence holders who fail to meet the Council's required standards and as a consistent and transparent method of enforcement.

7.2.4 Points will be issued per incident and will accumulate on a licence until they reach the 'trigger level' of 12 points. At this trigger level, the licence holder will be referred to the General Purposes Committee to consider whether it is appropriate for the licence holder to remain licensed by the council. The Committee may determine that the licence should be suspended or revoked, or the Committee may choose to administer some other sanction at its disposal.

## **7.3 Suspension and /or Revocation of Licences**

7.3.1 Where there is an individual failure in meeting the vehicle conditions, an authorised officer may take immediate action to suspend the licence and require remedial action. This requires the service of a STOP notice and further use of the vehicle will be suspended until the defects have been remedied. The suspension will then not be lifted until the vehicle has undergone a further test, at the proprietor's expense, and / or been passed as fit for use by the Council. Such STOP notices will also be appropriately accompanied with a penalty point resolution.

7.3.2 In situations where there exists a serious risk to the safety of the public, the Director - Safety, under delegated powers, is permitted to temporarily suspend

the licence of a driver, vehicle or operator. The matter will be referred to the General Purposes Committee at the earliest opportunity.

7.3.3 Where the General Purposes Committee is satisfied that a person is no longer a 'fit and proper' person or is in breach of a condition of licence, they may suspend a driver's licence for any specified period or revoke the licence.

7.3.4 When considering the revocation of any licence, the General Purposes Committee will take into account all relevant facts and circumstances including the licensing objectives and the nature of the breach.

#### **7.4 Refusal to Renew**

7.4.1 As an alternative to revocation, the General Purposes Committee may decide that the appropriate action, in a situation where the licence is shortly to expire, is to order that the licence shall not be renewed. The Committee may suspend the existing licence for the remainder of its licence period depending on the individual merits of the case.

#### **7.5 Complaints against Drivers**

7.5.1 All complaints will be fully investigated, often involving the taking of statements from the complainant, driver and any witnesses.

7.5.2 The investigating officer will consider all evidence and mitigating circumstances arising from the investigation before making a recommendation to a senior officer, who will reach a decision in accordance with the requirements of this policy and the Council's Corporate Enforcement Policy. For the purposes of this paragraph, a senior officer is the investigating officer's immediate supervisor or line manager.

7.5.3 The outcome of any complaint will be advised to the complainant in the form of a written response.

#### **7.6 Appeals**

7.6.1 Any notifications of enforcement actions will include information on how to appeal and to whom the appeal is made, if a right of appeal exists.

## Appendix One

### APPLICATION PROCEDURES

#### 1.0 Application Procedures – Vehicles

- 1.1 Vehicle proprietors shall make arrangements directly with the Authority approved vehicle testing stations to have vehicles examined and tested.
- 1.2 Prior to submitting the vehicle for examination, proprietors shall ensure that the vehicle is in good condition, i.e. mechanically sound and bodywork satisfactory.
- 1.3 In respect of renewal applications, vehicles should not be examined more than four weeks before their licence is due to expire. However, it is advised to arrange the examination and test at least seven days prior to the application appointment in case the vehicle examination identifies the need for repair work and re-testing, which can then be undertaken prior to the expiry of the licence.
- 1.4 Vehicle proprietors may be subject to a recharge fee by the vehicle testing station in respect of vehicles that fail the vehicle test and undergo a second examination and test.
- 1.5 When presenting an application to the Council the following documents **MUST** accompany the completed application form:
  - (i) **DVLA Vehicle Registration Certificate (Log Book.V5)** (which must show the vehicle as belonging to the applicant either wholly or jointly with any other person(s) hereinafter described as the proprietor(s) thereof) or a bill of sale identifying the vehicle, seller and purchaser as long as this is accompanied by the part of the registration certificate showing the year of registration of the vehicle;
  - (ii) **Valid Certificate of Insurance** or cover note confirming that insurance is in place for each driver of the vehicle and specifying use as either a hackney carriage or private hire vehicle.
  - (iii) **A current MOT certificate** valid for at least three months, or arrangements made with the appointed testing station to carry out the MOT test at the same time as the supplementary plating test takes place, at the applicant's own cost. In the case of the latter, the MOT certificate must be produced with the pass certificate before the licence plates are issued.
  - (iv) **Vehicle Testing Compliance Certificate:** the pass certificate issued from the appointed testing station

## **2. Application Procedures – Drivers**

- 2.1 Applications for hackney carriage or private hire driver licences may be made at any time of the year. Applications must be made using the Council's application form which is available from the Licensing Section or from the Council's website. The application will not be accepted unless it is complete and with all the relevant documentation.
- 2.2 False or incomplete information provided as part of the application process will result in the application being refused. A further application by the same driver will not be considered for a further six months.
- 2.3 Applicants shall hold a full driving licence issued in the UK, the European Community (EC) or one of the other countries in the European Economic Area (EEA). In addition any applicant who holds an EC/EEA driving licence shall provide a translation of the licence certified by the embassy or consulate of the issuing country and swap their licence to a UK driving licence within one year of the issue of the driver's licence.
- 2.4 Applicants shall have held a full UK, EC or EEA driving licence for at least 12 months prior to the date of application.
- 2.5 Applicants will be required to complete an application form and pay the appropriate fee for an enhanced certificate from the Disclosure and Barring service on first application. Two forms of personal identification are required, as well as a utility bill showing the applicant's current address. Applicants who have previously been known under a different name are required to provide evidence of this name change. Applicants will also need to provide their national insurance number.
- 2.6 All applicants will be required to subscribe to the DBS annual update service and to undergo a DBS every year. This will be introduced for all current drivers during their licence renewal process.
- 2.7 Where an applicant has resided in the UK after their tenth birthday or has spent a period of three months or more as a non-resident, the Authority will require a certificate of good conduct authenticated by the relevant embassy of that country of residence and a translated copy provided at the applicant's own expense, in addition to the enhanced DBS check.
- 2.8 The Council will require all applicants to comply with the provisions of the Immigration Act 2016 insofar as demonstrating to the licensing authority that the applicant has a right to work in the UK.
- 2.9 Applicants are required to pass a medical examination of Group II standards. Medical examinations must be conducted by the Council's independent medical advisor. In exceptional circumstances, the applicant may use their own general practitioner or medical practice. In these cases, the applicant must provide evidence, in writing, to

the Business Manager for Environmental Health and Licensing as to why this should be permitted

- 2.10 A medical examination shall be required on the submission of the first application. Drivers aged 45 or over will require an examination every three years thereafter until aged 65 years. Drivers aged 65 or over or drivers with a specified medical condition will be required to have examinations on an annual basis (or as specified by the medical practitioner).
- 2.11 There are different medical requirements applying to insulin dependent drivers and these are set out in Appendix Two.
- 2.12 All new applications will have to be submitted **IN PERSON** at the main Council offices.

### **3.0 New Driver Qualifications**

- 3.1 In order to maintain the high standards that the Authority expects of its drivers operating within the district, a basic numeracy, literacy, knowledge of the taxi licensing regimes and knowledge of locations is assessed by the Authority through a knowledge test.
- 3.2. There is a fee payable for the knowledge test. If further tests are required, these will be arranged and an additional administrative fee will be charged, to be paid prior to the test. Subsequent tests must be a minimum of two weeks apart. The tests must be held within two months of the first failed test date or the application will be returned and deemed not duly made.
- 3.3 The literacy and numeracy test aims to identify understanding of the English language and basic mathematics.
- 3.4 The local knowledge test is practical and aims to identify knowledge of locations of places of interest and routes.
- 3.5 New applicants are required to undertake a driving proficiency test conducted by the Council's appointed driving examiner. Where an applicant fails a driving ability test, a period of two weeks must elapse before any retest is taken.
- 3.6 An applicant may only take the knowledge test and driving ability test on three occasions in respect of one application. A test is taken if the applicant attends a relevant test centre and is given a test paper or sets off on the ability test. If three tests of either type are failed, the application will be refused and no further application for a driver's licence may be made for a period of six months from the date the last test was failed.



#### **4.0 The Consideration of Applications**

- 4.1 If satisfied, from the information available, that the applicant is a fit and proper person to hold a licence, the licensing officer has delegated power to grant the application and issue a licence. The Council will normally issue licences for a three year period. However, the Council does have the discretion to issue licences of a shorter duration if it considers this to be necessary, given the circumstances.
- 4.2 A driver's badge will be issued which shall remain the property of the Authority and must be surrendered if the driver's licence is suspended, revoked or not renewed by the Authority. The badge shall be displayed on the driver's person at all times they are acting as a licensed driver.
- 4.3 If the Authority is not satisfied, from the information available, that the applicant should be granted a licence, the matter will be referred to the General Purposes Committee for a hearing.

## Appendix Two

### MATTERS EXAMINED IN THE DRIVING ABILITY TEST

- 1 Comply with the requirements of the eyesight test for drivers
- 2 Take proper precautions before starting the engine
- 3 Make proper use of:
  - Accelerator
  - Footbrake
  - Clutch
  - Handbrake
  - Gears
  - Steering
- 4 Move away safely and under control
- 5 Stop the vehicle in an emergency promptly and under control
- 6 Reverse into a limited opening to the left or right under control and with proper observation
- 7 Turn in the road under control and with proper observation
- 8 Reverse park under control and with proper observation
- 9 Make effective use of mirror(s)/rear observation well before:
  - Signalling
  - Changing direction
  - Changing speed
- 10 Give signs:
  - Where necessary
  - Correctly
  - That are properly timed
- 11 Take appropriate action on all:
  - Traffic signs
  - Road markings
  - Traffic lights

- Signals by traffic controllers
  - Signals by other road users
- 12 Exercise proper care in the use of speed
- 13 Keep a safe distance behind vehicles
- 14 Make progress by driving at a speed appropriate to the road and traffic conditions, avoiding undue hesitancy
- 15 Make proper use of:
- Speed on approach
  - Position before turning left
  - Observation
  - Turning right
  - Cutting right hand corners
- 16 Deal with other vehicles safely when:
- Overtaking
  - Meeting
  - Crossing their path
- 17 Position the vehicle correctly:
- During normal driving
  - Exercise lane discipline
- 18 Allow adequate clearance to stationary vehicles and obstructions
- 19 Take appropriate action at pedestrian crossings
- 20 Select a safe position for normal stops
- 21 Show awareness and anticipation of the actions of other road users.
- 22 An applicant will be permitted nine minor faults in passing this test. A serious or dangerous fault will result in failure. If the examiner or the applicant stops the test before it is completed, that will also count as a failure.

## Appendix Three

### DRIVERS WITH DIABETES

#### 1.0 Insulin Dependent Diabetics

- 1.1 There are specific medical requirements for applicants for the grant or renewal of private hire, hackney carriage and ambulance drivers' licences who are insulin dependent diabetics.
- 1.2 The applicant must have had no hypoglycaemic attacks requiring assistance whilst driving within the previous 12 months.
- 1.3 The applicant's condition must have been stable for a period of at least one month.
- 1.4 Once a licence has been granted the holder must regularly monitor their condition by checking their blood glucose levels at least twice daily and at times relevant to driving. **The use of memory chip meters for such monitoring is required.** The Council may require the licence holder to produce records of such monitoring and may copy them for the purpose of taking its own medical advice relating to the licence holder.
- 1.5 The licence holder must arrange to be examined every 12 months by a suitable person who specialises in diabetes. At the examination, the specialist will require sight of their blood glucose records for the last three months. The Council will require confirmation that the examination has been carried out and that there is no change in the licence holder's condition.
- 1.6 The licence holder must have no other condition which would render them a danger when driving private hire vehicles, hackney carriages or ambulance vehicles.
- 1.7 The licence holder will be required to sign an undertaking to comply with the directions of doctors(s) treating the diabetes and to report immediately to both the Council and the DVLA any significant change in their condition.
- 1.8 The effect of this is that all drivers must undergo a medical examination which is in accordance with the requirements for holding a Group 2 licence from the DVLA. This standard states that an insulin dependent diabetic cannot be granted a Group 2 licence and accordingly should not be granted a private hire, hackney carriage or ambulance driver's licence by Newark & Sherwood District Council. However, this will be waived as long as the driver meets the medical criteria set out above for the granting of C/C1E entitlement for a DVLA licence. Compliance with this standard does not mean that a driver with a licence issued by the Council can drive a vehicle which requires a C1/C1E entitlement on a DVLA licence unless their DVLA licence shows that entitlement.
- 1.9 All drivers must undertake the regular blood glucose testing checks as follows:

- at least twice daily, including on days when not driving, and
- no more than two hours before the start of the first journey, and
- every two hours while driving.

1.10 In the event that a licence holder fails to comply with any of the above, then the licence will be suspended and the question of whether the driver remains fit and proper to hold a licence will be referred to the General Purposes Committee.

## **2.0 Maturity Onset Diabetes**

2.1 The requirements only apply to one type of medication used to control MODM, these being sulphonylureas taken in tablet form.

- Drivers are examined at the time of application and then at the same frequency as at present. No driver will be recalled earlier than would normally be the case.
- At each examination, drivers with diabetes will be identified and advised as to the additional requirements for testing and provided with written guidance.
- Those drivers identified as MODM treated with sulphonylureas will be provided with additional advice and support.
- Assuming no other problems are identified, a one year health certificate will be issued with a requirement to attend a further examination in a year's time. They will be advised to use this time to purchase self testing equipment, learn the technique and undertake testing at the intervals advised.
- At the second examination, the results from the self testing will be assessed. Satisfactory results will allow for a three year medical certificate to be issued. Unsatisfactory results will result in a one year certificate and a requirement for additional testing. Failure to supply any results will result in no medical certificate being issued.

## Appendix Four

### RELEVANCE OF CONVICTIONS POLICY

#### **1.0 Introduction**

1.1 This policy provides guidance to the General Purposes Committee, (and its sub-committee) and officers with delegated powers, on the criteria to take into account when considering the relevance of convictions to determine whether or not an applicant or an existing licence holder is a fit and proper person to hold a hackney carriage and/or private hire driver's or operator's licence. Any decision made by the General Purposes Committee (and its sub-committee) and officers with delegated powers will be made on the balance of probabilities and not beyond all reasonable doubt.

1.2 It is the responsibility of Newark and Sherwood District Council (referred to as the Council) to issue hackney carriage and private hire licences under the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847. In exercising this duty, the Council will consider the safety of the public as its primary consideration.

1.3 In seeking to safeguard the public, the licensing authority seeks to ensure:

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

1.4 This policy provides guidance to any person with an interest in taxi and private hire licensing, in particular, but not exclusively:

- Applicants for a driver's licence
- Existing licensed drivers whose licences are being reviewed
- The holders of private hire operators' licences
- Licensing officers
- Members of the General Purposes Committee/sub-committee
- Magistrates hearing appeals against local authority decisions

- 1.5 The term 'Fit and Proper' for the purposes of licensing is not legally defined and in assessing whether someone maybe fit and proper the Council will consider the following, and take any other relevant information into account:
- Criminality
  - Human Rights
  - Period of holding a driver's licence
  - Number of endorsed driving penalty points
  - Right to work
  - medical fitness
  - Driving ability test
  - Knowledge Test
  - The fitness and propriety of Private Hire Operators, ensuring the business is run in a safe and professional manner, having regard to management controls, compliance with the law and that drivers are properly monitored to ensure that they behave in an appropriate manner and comply with their duties and responsibilities, including the monitoring of driver hours
  - The conduct of the applicant in making the application (e.g. whether they have acted with openness and integrity during the application process).
  - The previous licensing history of existing/former licence holders and any complaints made against them and investigated by any local authority licensing service.
- In addition the Council will also consider further information sources such as the Police (including abduction notices), Children and Adult Safeguarding Boards and other statutory agencies.
- 1.5 In considering this guidance, the Council will be mindful that each case must be considered on its individual merits and, where the circumstances demand, the committee may depart from the guidelines. Where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction [Nottingham City v Mohammed Farooq (1998)].
- 1.6 In this policy, the word "conviction" is to be defined as including convictions, cautions, warnings, reprimands, fixed penalty notices and other relevant information. In this policy 'from date sentence has ended' is taken to be the date which is reached once the whole of the period as sentenced by the court has elapsed and not necessarily the length of time served by the applicant. For example, if a sentence is five years' imprisonment, then the date that the sentence ends will be five years from the date of sentencing, regardless of the amount of time actually served by the applicant. If the sentence is amended by a court at a later date, then this new sentence becomes relevant for the purposes of this policy. The term 'since completion of sentence' is to be construed in a similar way.
- 1.7 In this policy, the word 'applicant' refers to either new applicants, or those existing licence holders who are seeking renewal, or when offences have come to light of existing licence holders.

## **2.0 General Policy**

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

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

Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.

2.2 The Council may depart from this policy if good reasons exist. The otherwise good character and driving record of the applicant or licence holder will not ordinarily be considered as exceptional circumstances.

### **2.3 Outstanding Charges or Summonses**

If an outstanding charge or summons involves a serious offence and/or the individual's conviction history indicates a possible pattern of unlawful behaviour or character trait, then in the interests of public safety the application should normally be put on hold until proceedings are concluded or the licence may be refused.

### **2.4 Non-conviction information**

If an applicant has, on one occasion, been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration should be given to refusing the application.

2.5 In assessing the action to take, the safety of the public must be the paramount concern.

2.6 Where an applicant has had a hackney carriage/private hire driver's licence revoked by another local authority, the Council will not normally grant a licence until at least 12 months has elapsed since the revocation.

## **3.0 Consideration of Applications**

3.1 Applications will be referred for determination by the Council's General Purposes Committee in the following circumstances:

- where the applicant had been convicted of an offence other than infrequent minor traffic offences, within the prescribed time period immediately preceding



the date of the application. However, a number of minor traffic offences may result in a reference to the committee as indicating recklessness;

- where the conviction(s) occurred outside the prescribed time period referred to above but:
  - the offence was of a particularly serious nature; or
  - there was a history of criminal convictions demonstrating a series of offences which had occurred with relative frequency over a period of years;
  - where, in respect of motoring offences which were not spent, the applicant had incurred four or more penalty points in respect of any one offence or had incurred a total of seven or more penalty points; or
  - where the Business Manager – Public Protection considers that the offence(s) raised concern that the safety of the public might be put at risk;
  - where information is revealed on a DBS check about behaviour which does not involve a conviction or caution for an offence but which the Business Manager – Public Protection considers should be referred to the Committee.

3.2 When submitting an application for a licence to drive a hackney carriage, private hire vehicle or ambulance vehicle, applicants are required to declare any convictions or formal cautions they may have.

3.3 Details of all convictions must be disclosed under the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002. This includes any convictions which would otherwise be “spent”, as taxi drivers do not have the protection afforded under the Rehabilitation of Offenders Act 1974 and accordingly full disclosure is required.

3.4 The disclosure of a criminal record or other information will not debar an applicant from gaining a licence unless the authority considers that the conviction affects whether they are fit and proper to hold a licence. In making this decision, the authority will consider the nature of the offence, how long ago and what age the applicant was when it was committed and any other factors which may be relevant in accordance with these guidelines and policy.

3.5 Any applicant refused a driver’s licence on the grounds that he/she is not a fit and proper person to hold such a licence has a right of appeal to a Magistrates’ Court.

#### **4.0 Powers**

4.1 Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allow the licensing authority to suspend, revoke or refuse to renew a licence if:

- the applicant/licence holder has been convicted of an offence involving dishonesty, indecency or violence;
- there has been a failure to comply with the provisions of the Town Police Clauses Act 1847;

- there has been a failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976;
  - or any other reasonable cause.
- 4.2 The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, allows the licensing 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 licensing authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending. In accordance with this Act, all convictions, cautions, warnings and reprimands must be declared by the applicant.
- 4.3 Under the provisions of Sections 51, 55 and 59, Local Government (Miscellaneous Provisions) Act 1976, the licensing authority is required to be satisfied that an applicant for the grant or renewal of a hackney carriage and/or a private hire vehicle driver's 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 consider:
1. How relevant the offence(s) are to the licence being applied for
  2. How serious the offence(s) were
  3. When the offence(s) were committed
  4. The date of conviction
  5. Circumstances of the individual concerned
  6. Sentence imposed by the court
  7. The applicant's age at the time of conviction
  8. Whether they form part of a pattern of offending
  9. Any other character check considered reasonable (e.g. personal references)
  10. Any other factors that might be relevant, for example:
    - (a) The previous conduct of an existing or former licence holder,
    - (b) Whether the applicant has intentionally misled the council or lied as part of the application process,
    - (c) Information provided by other agencies / council departments.

It may also be appropriate to consider the sentencing powers engaged by the court in disposing of criminal proceedings and judges' reasons (obiter dicta) for coming to that decision.

- 4.4 Existing holders of drivers' licences are required to notify the licensing authority in writing within seven days of receiving a driving licence endorsement, fixed penalty notice or criminal conviction (including cautions). Failure to do so will raise concerns as to the honesty of the licence holder and may be taken into account as part of any subsequent renewal applications or reviews.
- 4.5 Applicants can informally discuss further what effect a caution/conviction may have on any application or existing licence by contacting the licensing officer in confidence for advice. The Council will not be bound by any advice given and reserves its full powers.
- 4.6 The Council conducts enhanced disclosures from the Disclosure and Barring Service (DBS) of any applicant for a driver's licence. Applicants applying for the grant or a renewal of a driver's licence will be required to obtain an enhanced disclosure, at their expense, and subscribe to the update service.
- 4.7 The Council is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the Council or other licensing authorities, and information disclosed by the police.
- 4.8 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material, particularly when giving information required by the application for a licence. Under Section 57(3) of the Local Government (Miscellaneous Provisions) Act 1976, where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.
- 4.9 For renewal applications and current licence holders, the guidance will not be applied retrospectively. The policy will be applied if any additional convictions are incurred or brought to the attention of the Council that would call into question a person's suitability to hold a licence.
- 4.10 Any offences not covered by this policy will not prevent the Council from taking the offences into account.

**5.0 Policy on immediate revocation/suspension of driver's licence**

- 5.1 If the Council decides to revoke or suspend a driver's licence, it will then have to consider whether that revocation/suspension should take immediate effect under Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.
- 5.2 The Council only has the power to resolve that the revocation/suspension will take immediate effect if it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect. The interest of public safety is not defined and is for the Council to determine. However, regard will be given to any

risks to public safety arising from concerns about the licence holder's driving standards, their character including, but not limited to, dishonesty, violent behaviour, involvement in drink or drugs, inappropriate sexual conduct, any relevant previous convictions and any other matters the Council may deem relevant.

- 5.3 Before reaching a decision, in most cases, and where practical, the Council shall give the licence holder the opportunity to make representations as to whether or not the revocation/suspension will take immediate effect.
- 5.4 The overriding consideration shall always be the safety and protection of passengers and the general public.
- 5.5 Matters such as unemployment and home circumstances should not be taken into account when determining whether the revocation or suspension will take place immediately and therefore shall not outweigh the public safety factor.
- 5.6 Where the Council has decided that a licence-holder is no longer fit and proper to hold a licence, for reasons of public safety, the presumption will be that the revocation of the licence shall have immediate effect.
- 5.7 If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, the Council will give notice to the driver, which includes a statement to that effect and an explanation why the suspension or revocation takes effect when the notice is given to the driver.

#### **5.8 Appeals**

Any applicant refused a driver's licence, or who has their licence suspended or revoked on the grounds that the licensing authority is not satisfied they are a fit and proper person to hold such a licence, has a right to appeal to the Magistrates Court within 21 days of the notice of refusal [Local Government (Miscellaneous Provisions) Act 1976, s77 (1)].

#### **6.0 Consideration given to Offences**

This section deals with the types of offences and applies to new and renewal applications, and upon review of a current licence.

#### **6.1 Serious offences involving violence**

Licensed drivers have close regular contact with the public. A firm line will be taken with those who have convictions for offences involving violence. An application will normally be refused if the applicant has a conviction for an offence that involved the loss of life.

##### **6.1.1 Exploitation**

Where an applicant or licence holder 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 normally be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse. Such offences include but are not limited to:

1. Slavery
2. Trafficking
3. Child sexual abuse
4. Exploitation
5. Grooming
6. psychological, emotional or financial abuse
7. Kidnapping or abduction
8. Or any similar offences (Including attempted or conspiracy to commit) offences which may replace the above

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

1. Murder
2. Manslaughter
3. Manslaughter or culpable homicide while driving
4. Terrorism offences
5. Kidnapping or abduction
6. Or any similar offences (including attempted or conspiracy to commit offences) which replace the above.

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

1. Arson
2. Malicious wounding or grievous bodily harm which is racially aggravated
3. Actual bodily harm which is racially aggravated
4. Grievous bodily harm with intent
5. Robbery
6. Possession of a firearm
7. Riot
8. Assault on police
9. Common assault which is racially aggravated
10. Violent disorder
11. Threats to kill
12. Resisting arrest
13. Hate crime against a person

14. Or any similar offences (including attempted or conspiracy to commit offences) which replace the above.

#### 6.4 Discrimination

A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) to those below unless at least **7 years** have passed since the completion of any sentence and/or licence period:

1. Racially aggravated criminal damage
2. Racially aggravated offence
3. Hate crime against a person or persons
4. Hate crime against property
5. Or any similar offences (including attempted or conspiracy to commit offences) which replace the above.

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

1. Common assault/battery
2. Assault occasioning actual bodily harm
3. Affray
4. S5 Public Order Act 1986 offence (harassment, alarm or distress)
5. S4 Public Order Act 1986 offence (fear of provocation of violence)
6. S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
7. Obstruction
8. Criminal damage
9. Harassment
10. Offences involving anti-social behaviour
11. Or any similar offences (including attempted or conspiracy to commit offences) which replace the above.

6.6 A licence will not normally be granted if an applicant has more than one conviction in the last **10 years** for an offence of a violent nature.

6.7 In the event of a licence being granted, despite convictions against the applicant, a strict warning both verbally and in writing should be administered. If a warning is issued, this will remain in place for a period commensurate with the time periods in the relevant sections above.

## **6.8 Possession of a weapon**

If an applicant has been convicted of possession of a weapon or any other weapon related offence, depending on the circumstances of the offence, at least **7 years** must have passed since the completion of the sentence before a licence is granted.

## **6.9 Sexual and indecency offences**

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

Such offences include:

1. Rape
2. Assault by penetration
3. Offences involving children or vulnerable adults
4. Grooming, trafficking or other sexual exploitation related offences (adults and/or children)
5. Making or distributing obscene material
6. Possession of indecent photographs depicting child pornography
7. Sexual assault
8. Indecent assault
9. Exploitation of prostitution
10. Any similar offences (including attempted or conspiracy to commit offences) which replace the above.
11. Making indecent telephone calls
12. Importuning
13. Indecent Exposure
14. Soliciting (kerb crawling)
15. Any similar offences (included attempted or conspiracy to commit offences) which replaces the above.

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

## **6.11 Dishonesty**

A licensed driver is expected to be trustworthy. In the course of their working duties, drivers will deal with cash transactions and valuable property may be left in their vehicles. Drivers may well deal with customers who are vulnerable or intoxicated and

potentially easily confused. For these reasons, a serious view is taken of any conviction involving dishonesty.

6.12 Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed. Offences involving dishonesty included but are not limited to:

1. Theft
2. Burglary
3. Fraud
4. Benefit fraud
5. Handling or receiving stolen goods
6. Forgery
7. Conspiracy to defraud
8. Obtaining money or property by deception
9. Other deception
10. Taking a vehicle without consent
11. Or any similar offences (including attempted or conspiracy to commit offences) which replace the above.

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

#### 6.14 Alcohol and Drugs

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

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

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

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

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



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

6.20 If there is evidence of persistent drug use, misuse or dependency, a specialist examination (in accordance with the DVLA Group II medical standards) may be required before the licence is granted. If the applicant was an addict, then they would normally be required to show evidence of **5 years** free from drug taking after detoxification treatment.

#### **6.21 Driving offences involving the loss of life**

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

1. Causing death by dangerous driving
2. Causing death by careless driving whilst under the influence of drink or drugs
3. Causing death by driving: unlicensed, disqualified or uninsured drivers
4. Or any similar offences (including attempted or conspiracy to commit offences) which replace the above.

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

1. causing death by careless driving
2. causing death by driving: unlicensed, disqualified or uninsured drivers.

#### **6.23 Driving offences involving alcohol and/or drugs**

A serious view will be taken of convictions of driving, or attempting to drive, or being in charge of a vehicle, while under the influence of drink or drugs. Where a disqualification has occurred as a result of a drug or drink driving offence, at least **7 years** free of conviction should elapse after the restoration of the DVLA licence before an applicant is granted a licence.

In the case of driving under the influence of drugs, any applicant or licence holder may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

6.24 More than one conviction for this type of offence or one such offence within the last **7 years** is likely to merit refusal.

In addition, applicants will normally be required to show a period of at least **7 years** has elapsed after completion of detoxification treatment if (s)he was an alcoholic or drug addict.

#### **6.25 Major Traffic Offences**

Subject to the above paragraphs, an isolated conviction for a major traffic offence, without disqualification, such as dangerous driving or driving without due care and attention will require careful consideration of the facts and will at the very least merit a warning as to future driving and advice on the standard expected of hackney carriage and private hire drivers. However, where the conviction is within **6 months** prior to the date of the application, the application will normally be refused.

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

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

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

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

6.30 A list of offences to which this section applies is attached as Appendix A

#### **6.31 Minor Traffic Offences**

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

6.32 An application with a points total **above 7** will merit further consideration. A licence will normally be refused where the applicant has **12 or more penalty points** on his DVLA licence for minor traffic offences but has not been disqualified from driving.

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

- 6.34 Generally, a period of **12 months** free from conviction must have elapsed from the restoration of the DVLA licence.
- 6.35 Where an existing licence holder is disqualified from driving the licence will normally be revoked by the Director- Safety under delegated powers.

#### 6.36 Using a Hand-Held Device Whilst Driving

Where an applicant has conviction for using a hand held mobile phone or a hand held device whilst driving, a licence will not 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.

- 6.37 A list of offences to which this section applies is attached as Appendix B.

#### 6.39 Totting Up Disqualifications

- 6.40 Where a number of traffic offences has resulted in a driver receiving **12 penalty** points or more on their licence, the driver will be disqualified from driving unless the Court is satisfied that exceptional hardship would be suffered by an individual if disqualified. This is known as a 'totting up' disqualification. Where an applicant has a totting up disqualification, an application will usually be refused until a period of between **12 months and 2 years** has lapsed from the restoration of the DVLA licence, depending on the seriousness of the offences which led to the totting up.
- 6.41 Where an existing licence holder is disqualified from driving as a result of a totting up, the licence will normally be revoked.

#### 6.42 Hybrid traffic offences

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

- 6.43 Any applicant who has committed an offence of plying for hire within six months of their application will normally be refused a licence. Any existing licence holder found to have committed this offence will be judged on the circumstances of the case and, at the least, suspension of the licence should be considered. Where a driver is convicted on more than one occasion, the licence may be revoked or not granted. Consideration will be taken if the offence of plying for hire was accompanied by the fact that at the time there was no insurance cover in place for the vehicle, in line with 6.44 below. It will be up to the applicant to prove that there was valid insurance in place at the time of the offence.

#### 6.44 Insurance Offences

A serious view will be taken of convictions of driving a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided (s)he has been free of conviction for **3 years**. However, strict warning should be given as to future behaviour. More than one of these offences would normally prevent a licence being granted or renewed. Isolated incidents associated with a licensing offence will not necessarily prevent a licence being granted or renewed. Each case will be considered on its merits.

- 6.45 At least **3 years** should elapse (after restoration of the DVLA driving licence) before a licence would normally be granted for a hackney carriage or private hire driver's licence. An operator found guilty of aiding and abetting the driving of passengers for hire and reward while without insurance will have their operator's licence revoked immediately and be prevented from holding a licence for **3 years**.

**MAJOR TRAFFIC OFFENCES**

- AC10 Failing to stop after an accident
- AC20 Failing to give particulars or to report an accident within 24 hours
- AC30 Undefined accident offences
  
- BA10 Driving while disqualified by order of court
- BA30 Attempting to drive while disqualified by order of court
- BA40 Causing death by driving while disqualified
- BA60 Causing serious injury by driving while disqualified
  
- CD10 Driving without due care and attention
- CD20 Driving without reasonable consideration for other road users
- CD30 Driving without due care and attention or without reasonable consideration for other road users
- CD40 Causing death through careless driving when unfit through drink \*
- CD50 Causing death by careless driving when unfit through drugs \*
- CD60 Causing death by careless driving with alcohol level above the limit \*
- CD70 Causing death by careless driving then failing to supply a specimen for analysis \*
- CD80 Causing death by careless or inconsiderate driving \*
- CD90 Causing Death by driving: unlicensed, disqualified or uninsured drivers \*
  
- DD40 Dangerous driving
- DD60 Manslaughter or culpable homicide while driving a vehicle \*
- DD80 Causing death by dangerous driving \*
- DD90 Furious driving
- DG60 Causing death by careless driving with drug level above the limit\*

**The above offences marked \* are dealt with in the section entitled driving offences involving the loss life**

- DR10 Driving or attempting to drive with alcohol level above limit +
- DR20 Driving or attempting to drive while unfit through drink +
- DR31 Driving or attempting to drive then refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity
- DR40 In charge of a vehicle while alcohol level above limit +
- DR50 In charge of a vehicle while unfit through drink +
- DR60 Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive
- DR61 Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive +
- DR70 Failing to provide specimen for breath test +
- DR80 Driving or attempting to drive when unfit through drugs +
- DR90 In charge of a vehicle when unfit through drugs +
- DG10 Driving or attempting to drive with drug level above the specified limit
- DG40 In charge of a vehicle while drug level above the specified limit

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

IN10 Using a vehicle uninsured against third party risks

LC20 Driving otherwise than in accordance with a licence

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

LC40 Driving a vehicle having failed to notify a disability

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

MS50 Motor racing on the highway

UT50 Aggravated taking of a vehicle

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

**MINOR TRAFFIC OFFENCES**

- CU10 Using vehicle with defective brakes
- CU20 Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
- CU30 Using a vehicle with defective tyre(s)
- CU40 Using a vehicle with defective steering
- CU50 Causing or likely to cause danger by reason of load or passengers
- CU80 Using a mobile phone while driving a vehicle
  
- MS10 Leaving a vehicle in a dangerous position
- MS20 Unlawful pillion riding
- MS30 Play street Offences
- MS40 Driving with uncorrected defective eyesight or refusing to submit to a test
- MS60 Offences not covered by other codes
- MS70 Driving with uncorrected defective eyesight
- MS80 Refusing to submit to an eyesight test
- MS90 Failure to give information as to the identity of driver etc.
  
- MW10 Contravention of Special Road Regulations (excluding speed limits)
  
- PC10 Undefined contravention of Pedestrian Crossing Regulations
- PC20 Contravention of Pedestrian Crossing Regulations with moving vehicle
- PC30 Contravention of Pedestrian Crossing Regulations with stationary vehicle
  
- SPI0 Exceeding goods vehicle speed limit
- SP20 Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
- SP30 Exceeding statutory speed limit on a public road
- SP40 Exceeding passenger vehicle speed limit
- SP50 Exceeding speed limit on a motorway
- SP60 Undefined speed limit offence
  
- TS10 Failing to comply with traffic light signals
- TS20 Failing to comply with double white lines
- TS30 Failing to comply with a "Stop" sign
- TS40 Failing to comply with direction of a constable/ warden
- TS50 Failing to comply with traffic sign (excluding "Stop" sign, traffic lights or double white lines)
- TS60 Failing to comply with school crossing patrol sign
- TS70 Undefined failure to comply with a traffic direction sign

## Appendix C

### HYBRID TRAFFIC OFFENCES

- CU10 Using vehicle with defective brakes
- CU20 Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
- CU30 Using a vehicle with defective tyre(s)
- CU40 Using a vehicle with defective steering
- CU50 Causing or likely to cause danger by reason of load or passengers
  
- SPI0 Exceeding goods vehicle speed limit
- SP20 Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
- SP30 Exceeding statutory speed limit on a public road
- SP40 Exceeding passenger vehicle speed limit
- SP50 Exceeding speed limit on a motorway
- SP60 Undefined speed limit offence

Other non-endorsable motoring offences, i.e. no MOT

#### **NOTE:**

All offences in Appendix A, B, C may also have the following codes

Aiding, abetting, counselling or procuring

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

Causing or permitting

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

Inciting

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



## **Appendix Five**

### **CODE OF CONDUCT**

#### **1.0 Preservation of a professional and responsible Hackney Carriage and Private Hire trade**

1.1 Licence holders shall promote the hackney carriage and private hire trade by:

- Complying with this Code of Conduct
- Complying with all the conditions of their licence, byelaws and the Authority's Hackney Carriage and Private Hire Licensing Policy Statement
- Behaving in a civil, orderly and responsible manner at all times, including being polite, helpful and fair to passengers
- Paying attention to personal hygiene and dress so as to present a professional image to the public (see Dress Code)
- Not eating or drinking in the vehicle in the presence of customers
- Keep their vehicles clean and suitable for hire to the public at all times
- At no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle
- Respecting authorised officers during the normal course of their duties

#### **2.0 Protection of public health and safety**

2.1 Licence holders shall:

- Maintain their vehicles in a safe and satisfactory condition at all times
- Not consume alcohol immediately before or at any time whilst driving or being in charge of a hackney carriage or private hire vehicle
- Not drive while having misused legal or taken illegal drugs
- Comply with legislation regarding the length of working hours
- Drive with care and due consideration for other road users and pedestrians
- Obey all Traffic Regulation Orders and directions at all times
- Take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from, the vehicle
- Not smoke in the vehicle at any time

#### **3.0 Access to an efficient and effective public transport service**

3.1 Licence holders shall:

- Attend punctually when undertaking pre-booked hires

- Assist, where necessary, passengers into and out of vehicles
- Provide passengers with reasonable assistance with luggage

#### **4.0 Protection of the environment**

4.1 To avoid nuisance to residents when picking up or waiting for a fare, a driver shall:

- Not sound the horn or other audible warning instrument on the vehicle, other than in accordance with the Highway Code, to attract the attention of passengers
- Keep the volume of music media players, radios and/or other audio visual devices to a minimum
- Switch off the engine if required to wait
- Take whatever additional action is necessary to avoid disturbance to residents in the locality.

4.2 At taxi ranks, licence holders shall, in addition to the requirements above, rank in an orderly manner and proceed along the rank in order and promptly.

4.3 At private hire offices, licence holders shall:

- Not allow their music media players, radios and/or other audio visual devices to cause disturbance to residents of the neighbourhood
- Take whatever additional action is necessary to avoid disturbance to residents of the neighbourhood, which might arise from the conduct of their business.

4.4 All of the above items are deemed to be of equal importance. By accepting their licence, the holder is deemed to have accepted the above code of conduct.

## **Appendix Six**

### **STANDARD CONDITIONS – HACKNEY CARRIAGE/PRIVATE HIRE AND PRIVATE AMBULANCE**

Notes: Those clauses marked with an asterisk shall not form part of a private ambulance driver's licence or will be amended as shown.

#### **1.0 Standard of Service**

1.1 During the period of the licence the driver shall:

- afford all reasonable assistance with passengers' luggage
- at all times be clean and respectable in their dress and person and behave in a civil and orderly manner. In particular drivers shall abide by the dress code
- take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle
- not smoke, drink or eat in the vehicle
- not without the express consent of the hirer, play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle
- at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle
- ensure that the vehicle is kept clean and well maintained in every way fit for public service
- ensure that any property left in a vehicle is taken to the nearest police station within 24 hours.

#### **2.0 Driver's Badge**

2.1 The driver shall, when driving a hackney carriage/private hire/private ambulance vehicle wear the driver's badge issued by the Council in such position and manner as to be plainly visible.

#### **3.0 Licence Plate**

3.1 The driver shall ensure that the internal licence plate issued in respect of the vehicle is clearly displayed in the front window of the vehicle and that the external licence plate is securely fixed and displayed to the exterior of the vehicle at the rear of the vehicle.

#### **4.0 Taxi Meter and Fare to be Demanded**

4.1 While acting as a driver of a hackney carriage and plying for hire within the district, the driver shall charge and cause to be paid the fare calculated at the rate set out in the table of fares displayed in the vehicle and determined from time to time by the Council.

4.2 The driver shall not cause the fare recorded on the taxi meter to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare.

**5.0 Fare to be Demanded**

5.1 The driver shall not demand from any hirer of a private hire or private ambulance vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator or, if the vehicle is fitted with a taximeter, the fare shown on the face of the taximeter.

**6.0 Waiting for Hire**

6.1 The driver shall NOT permit the private hire/ private ambulance vehicle to wait on stands appointed for hackney carriages nor accept an offer for immediate hire while that vehicle is on a road or other public place except where such offer is first communicated to the operator by telephone or other apparatus; and without the driver having first procured the offer in any way.

**7.0 Prompt Attendance**

7.1 The driver of a hackney carriage/private hire and private ambulance vehicle who has agreed or has been hired to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend at the time and place appointed.

**8.0 Route Taken**

8.1 The driver of a hackney carriage/private hire vehicle when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.

**9.0 Passengers**

9.1 The driver shall not convey or permit to be conveyed in a hackney carriage/private hire and private ambulance vehicle a greater number of persons than that prescribed in the licence for the vehicle, irrespective of whether they are children or not.

9.2 The carrying of pets shall be at the driver's discretion subject to the obligation to carry guide dogs, hearing dogs or assistance dogs in accordance with the Equalities Act 2010 (as amended) and by the regulations made under that Act. The only exception to this obligation is if the driver has an allergy. In this case, a medical certificate must be provided to the Council and an exemption certificate issued to the driver.

## **10.0 Seat Belts**

- 10.1 Where seatbelts are provided for use by passengers, the driver shall advise passengers of their requirement to wear the seatbelts.
- 10.2 It will be the responsibility of the driver to ensure that all current legislation is complied with in respect of the wearing of seat belts.

## **11.0 Lost Property**

- 11.1 The driver shall immediately after the termination of any hiring of a hackney carriage/private hire vehicle/private ambulance, or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left there.
- 11.2 If any property accidentally left in a vehicle by any person who may have been conveyed therein is found by or handed to the driver, the driver shall seek to identify the owner and, failing this, the property shall be delivered to the nearest police station.

## **12.0 Luggage**

- 12.1 The driver shall, when requested by the hirer, convey a reasonable quantity of luggage, and afford reasonable assistance with the loading and unloading and removal thereof to the entrance of any house or place at which they may take-up or set-down the hirer.

## **13.0 Written Receipts**

- 13.1 The driver shall, if requested by the hirer of a hackney carriage/private hire vehicle/private ambulance provide them with a written receipt of the fare paid.

## **14.0 Deposit of Licence**

- 14.1 If the driver is permitted or employed to drive a hackney carriage/private hire/private ambulance vehicle of which the proprietor/operator is someone other than themselves, they shall, before commencing to drive that vehicle, deposit the licence with that proprietor/operator until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle owned by the proprietor/operator.

## **15.0 Change of Address**

- 15.1 The driver shall notify the Council in writing of any change of their address during the period of the licence within seven days of such change taking place.

## **16.0 Interviews & Documents**

16.1 Where a driver is requested to attend an interview relating to the driving or operation of a vehicle licensed by the Council and fails to attend without reasonable excuse, the Council may suspend this driver's licence without notice. If a driver is requested to attend any of the Council's offices and produce any documents relating to a licensed vehicle, failure to do so within seven days of the request without reasonable excuse may also result in the suspension of this driver's licence

#### **17.0 Convictions**

17.1 The driver shall, within seven days, disclose to the Council in writing details of any conviction imposed upon them during the period of the licence. (For the purposes of this condition, a Fixed Penalty Ticket is deemed to be a conviction). When a driving licence issued by the DVLA has been endorsed with four or more penalty points in respect of any one offence or has incurred a total of seven or more penalty points over a period, the driver shall be required to attend a meeting of the General Purposes Committee for it to assess whether he or she remains a fit and proper person to hold a hackney carriage/private hire/private ambulance driver's licence.

#### **18.0 Disqualifications**

18.1 Where a driver is disqualified from driving during the period of a licence, that hackney carriage/private hire and private ambulance driver's licence shall become automatically revoked and the licence and badge issued to the driver shall be returned to the Council forthwith.

#### **19.0 Return of Badge**

The driver shall, upon the expiry (without immediate renewal), revocation or suspension of this licence forthwith return to the Council the driver's badge issued to them by the Council when granting this licence.

#### **20.0 Dress Code**

20.1 Drivers shall be required to comply with the dress code at all times.

#### **21.0 Safeguarding Training**

21.1 All applicants and licensed drivers must complete safeguarding training and pass the associated test within 1 year of their initial licence being issued and must attend refresher training every 3 years.

#### **22.0 Penalty Points Scheme**

22.1 The Council operates a penalty points scheme to raise the awareness of conditions amongst licensed drivers and also assist in the enforcement of the conditions attached to licences and other matters.

- 22.2 The scheme will apply to drivers, vehicles and operators and should a breach of a condition or other matters be detected, points may be issued against the licence holder, up to a maximum of 12 points in a calendar year. Should a licence holder accrue 12 points or more in a 12 month period, they may be required to attend a hearing of the Licensing Committee who will review the status of their licence.
- 22.3 The licence holder will be informed in writing of any points awarded against them and why they have been issued.

### **23.0 Newark and Sherwood District Byelaws**

- 23.1 The byelaws presently in force in the district of Newark and Sherwood with respect to hackney carriage and private hire vehicles, private hire operators, hackney carriage proprietors and hackney carriage/private hire drivers, shall apply to this licence and are incorporated as if they were herein set out in full as conditions of this licence.

### **HACKNEY CARRIAGE BYELAWS**

Made under section 68 of the Town Police Clauses Act 1847, and section 171 of the Public Health Act 1875, by the District Council of Newark and Sherwood, with respect to hackney carriages in the district of Newark and Sherwood.

#### INTERPRETATION

1. Throughout these byelaws “the Council” means the Newark and Sherwood District Council and the “district” means the District of Newark and Sherwood.

Provisions regulating the manner in which the number of each hackney carriage, corresponding with the number of its licence, shall be displayed

2. (a) The proprietor of a hackney carriage shall cause the number of the licence granted to them in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto.
- (b) A proprietor or driver of a hackney carriage shall:
- (i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
  - (ii) not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

Provisions regulating how hackney carriages are to be furnished or provided

3. The proprietor of a hackney carriage shall:-
- (a) provide sufficient means by which any person in the carriage may communicate with the driver;
  - (b) if such hackney carriage is mechanically propelled, cause the roof or covering to be kept watertight;
  - (c) if such hackney carriage is mechanically propelled, provide any necessary windows and a means of opening and closing not less than one window on each side;
  - (d) cause the seats to be properly cushioned or covered;
  - (e) cause the floor to be provided with a proper carpet, mat, or other suitable covering;
  - (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
  - (g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
  - (h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use; and
  - (i) if such hackney carriage is mechanically propelled, provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.
4. The proprietor of a motorised hackney carriage shall cause any taximeter with which the carriage is provided to be so constructed, attached and maintained as to comply with the following requirements, that is to say:
- (a) the taximeter shall be fitted with a key, flag or other device the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;
  - (b) such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
  - (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by time as well as for distance in pursuance of the tariff fixed by the Council;
  - (d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as to clearly apply to the fare recorded thereon;
  - (e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring; and



- (f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

Provisions regulating the conduct of the proprietors and drivers of hackney carriages plying within the district in their several employments, and determining whether such drivers shall wear any and what badges

- 5. The driver of a motorised hackney carriage provided with a taximeter shall:
  - (a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
  - (b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring; and
  - (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is between half an hour after sunset and half an hour before sunrise and also at any other time at the request of the hirer.
- 6. A proprietor or driver of a motorised hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
- 7. The driver of a motorised hackney carriage shall, when plying for hire in any street and not actually hired:
  - (a) proceed with reasonable speed to one of the stands appointed by the Council for the purposes of such a carriage;
  - (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
  - (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction; and
  - (d) from time to time, when any other carriage immediately in front is driven off or moved forward, cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.

8. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
9. The driver of a hackney carriage shall not, when driving for hire, smoke without the express permission of the hirer.
10. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
11. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
12. If a badge has been provided by the Council and delivered to the driver of a hackney carriage, (s)he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.
13. The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:
  - (a) convey a reasonable quantity of luggage;
  - (b) afford reasonable assistance in loading and unloading; and
  - (c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.

Provisions fixing the rates or fares to be paid for hackney carriages within the district and securing the due publication of such fares

14. (a) The proprietor or driver of a motorised hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council, the rate or fare being calculated by distance and time, unless the hirer expresses at the commencement of the hiring his desire to engage by time.
 

Provided always that where a motorised hackney carriage furnished with a taximeter shall be hired by distance and time, the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.
- (b) The proprietor or driver of a horse drawn hackney carriage shall be entitled to demand and take for the hire of the carriage the fare prescribed by the Council, such fare being calculated by measured distance over a number of prescribed routes.

15. (a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by Council resolution to be exhibited inside the carriage, in clearly distinguishable letters and figures.
- (b) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriages, and fixing the charges to be made in respect thereof

16. The proprietor or driver of a hackney carriage shall immediately, after the termination of any hiring or as soon as practicable thereafter, carefully search the carriage for any property which may have been accidentally left therein.
17. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him/her:
  - (a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to the office of the Council and leave it in the custody of the officer in charge of the office on his giving a receipt for it; and
  - (b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds.

Provisions in respect of horse drawn hackney carriages

18. The driver of a horse drawn hackney carriage shall, when plying for hire, stand only on ranks specially appointed for the purpose.
19. A proprietor or driver of a horse drawn hackney carriage shall not, while standing, plying or driving for hire, drive or allow to be driven or harness or allow to be harnessed to the carriage any animal in such a condition as to expose any person conveyed or being in such carriage, or any person traversing any street, to risk of injury.
20. The driver of a horse drawn hackney carriage shall, while standing, plying or driving for hire, cause every part of the harness of any horse hitched up to the carriage to be kept in order, so that the horse shall be properly and securely attached to the carriage, and under due control.

21. Every proprietor of a horse drawn hackney carriage shall provide the carriage with a sufficient drag chain and slipper or other sufficient brake.
22. A proprietor or driver of a horse drawn hackney carriage shall not, in any street, feed or allow to be fed any horse harnessed or otherwise attached to such carriage, except with food contained in a proper bag or other receptacle suspended from the head of such horse or from the centre pole of the carriage, or which is held in and delivered with the hand of the person feeding such horse.
23. A proprietor or driver of a horse drawn hackney carriage shall not exercise his calling between half an hour after sunset and half an hour before sunrise.
24. A proprietor or driver of a horse drawn hackney carriage shall not permit a horse used to draw a hackney carriage to be harnessed or otherwise attached to such carriage for more than seven hours in any one day or for more than four consecutive hours.

#### PENALTIES

25. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding level two on the standard scale, and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction.

#### REPEAL OF BYELAWS

26. The byelaws relating to hackney carriages which were made by the Mayor, Aldermen and Burgesses of the Borough of Newark on the seventh day of January 1966, and which were confirmed by one of Her Majesty's Principal Secretaries of State on the first day of May 1966 and the byelaws relating to hackney carriages made by the Newark District Council on the first day of March 1975, and which were confirmed by one of her Majesty's Principal Secretaries of State on the 25<sup>th</sup> day of April 1975, are repealed.

## **Appendix Seven**

### **DRESS CODE**

#### **1.0 General Standard**

- 1.1 The driver must be clean and tidy in appearance.
- 1.2 The driver shall, at all times, be dressed in a manner not to cause embarrassment to members of the public, this to include attention to personal hygiene so as to present a professional image to the public.

#### **2.0 Acceptable Standard of Dress**

- 2.1 The following is considered to be an acceptable standard of dress.
  - Shirts, blouses, polo shirts, sweat tops, jumpers, cardigans or fleece jackets should cover the shoulders and be of a sufficient length to enable them to be tucked into trousers or shorts
  - Shirts or blouses can be worn with a tie or open-necked
  - Clothing bearing the company logo is acceptable
  - Trousers may be either full length or shorts, if tailored
  - Smart jeans are permitted
  - Footwear should fit around the heel of the feet
  - Dresses and skirts must be of at least knee length
  - Suitable headwear to be worn in a correct manner.

#### **3.0 Unacceptable Standard of Dress**

- 3.1 The items below are considered unacceptable to be worn by drivers whilst on duty.
  - Bare chests
  - No combat or camouflage clothing
  - Items of clothing that depicts affiliation to a particular sporting team
  - Unclean or damaged clothing or footwear
  - Clothing with offensive words, logos or graphics
  - Beach type footwear (e.g. flip flops, also no bare feet)
  - Hooded garments.

## **Appendix Eight**

### **CODE OF CONDUCT WHEN WORKING WITH VULNERABLE PASSENGERS**

This code of conduct aims to promote good safeguarding practice for drivers and staff working with vulnerable passengers in the taxi or private hire trade. The following safeguarding principles should be embedded into driver working practice:

Drivers should carry photo ID at all times, and wear it in accordance with the conditions of licence.

If necessary, the driver should obtain a record of the carer's contact details if there is no chaperone.

If a vulnerable passenger is refused service, a responsible person should be informed so that alternative arrangements can be made. For example, this situation may arise if the customer has an assistance dog and the driver has a medical exemption granted by the Council.

Always ask if a vulnerable passenger needs help, do not assume.

Drivers should remain professional at all times and should not:

- Touch a vulnerable person inappropriately
- Make offensive or inappropriate comments (such as the use of swearing or sexualised or discriminatory language)
- Behave in a way that may make a vulnerable passenger feel intimidated or threatened
- Attempt to misuse personal details obtained via the business about a vulnerable person.

A log should be maintained by drivers when a service has been provided to a vulnerable passenger, including the details of any incidents occurring / actions taken or refusals of service.

If a driver or operator is concerned about the safety, welfare or behaviour of a vulnerable person, they should report this to the police by telephoning 101 (or in appropriate cases by calling 999).

If a driver is concerned about someone else's conduct, they should report their concerns to the Council's licensing department (01636 650000), police (101) or Crimestoppers (0800 555111).

## **Appendix Nine**

### **PLANNING REQUIREMENTS FOR PRIVATE HIRE AND AMBULANCE OPERATORS**

#### **1.0 Vehicles**

1.1 Planning permission may not be required for the operation of a taxi and/or private hire business from a private residential property but should always be checked with the Council's planning department. The factors that will be taken into consideration are:

- (i) the location of the property;
- (ii) the number of vehicles parked at and/or controlled from the property;
- (iii) if the vehicle is to be based at or controlled from the property. It is likely to require planning permission if the level of activity is such that it causes a material change of use;
- (iv) if the operations form part of a light haulage/courier operation;
- (v) the hours of the proposed movement of vehicles, i.e. during the night or early mornings;
- (vi) maintenance (such as minor servicing) that may take place on or at the property.

#### **2.0 Aerials**

2.1 The permitted development rights for aerials are set out in The Town and Country Planning (General Permitted Development) Order 1995 (as amended) at Class H. This sets out the permitted allowances for the installation, alteration or replacement of a microwave antenna (aerial) on a dwelling house or within the curtilage of a dwelling house. It should be noted that such legislation is subject to change and you should ensure that this is the right legislation when considering such development.

2.2 In order to establish whether or not planning permission would be required for the operation of a taxi and/or private hire business and/or the installation of an aerial, an enquiry form should be submitted. This can be downloaded from the Council's website at <http://www.newark-sherwooddc.gov.uk/planningapplications> or by telephoning 01636 650000 to request that one be sent in the post. A fee is payable for this service.

2.3 If planning permission is required, then the local planning authority's pre-application service can be used to determine whether or not such development would be considered favourably.

2.4 Provided no valid planning complaints are received regarding the operation of the business, the local planning authority will continue to honour the informal guidance offered to proprietors who were operating a maximum of two taxis/private hire vehicles

from a property prior to 1st January, 1994. However, proprietors who were operating only one vehicle prior to and since 1st January, 1994, will now need to apply for planning permission if they wish to increase their number of vehicles to two or more.

- 2.5 Any pre-1994 two vehicle operators will also be required to apply for planning permission if they wish to increase their number of vehicles to three or more.



## Appendix Ten

### PRIVATE HIRE AND AMBULANCE OPERATOR'S LICENCE CONDITIONS

#### **1.0 Bookings and Standards of Service**

- 1.1 No operator of a private hire vehicle and/or ambulance vehicle, which is licensed by Newark and Sherwood District Council under this Act, shall invite or accept a booking for such vehicle, or control or arrange a journey to be undertaken by such vehicle, without first making available in writing, or giving orally, to the person making the booking, information as to the basis of charge for the hire of the vehicle.
- 1.2 Every operator of private hire vehicles and/or ambulance vehicles who accepts a booking for a private hire vehicle and/or ambulance vehicle for an appointed time and place shall give the booking to a vehicle, allowing sufficient time for the vehicle to punctually attend.
- 1.3 The operator, when accepting bookings under the terms and conditions of the licence, shall only operate drivers and vehicles licensed by the Newark and Sherwood District Council.
- 1.4 The holder of an operator's licence shall not permit any person who is drunk, or is behaving in a disorderly manner, to remain upon the premises in respect of which the licence is in force.
- 1.5 If the operator makes provision on any premises for the reception of members of the public proposing to hire a vehicle, the operator must ensure that the premises are in a clean and tidy condition at all times and that adequate arrangements are made for the seating of customers within the premises.
- 1.6 The operator, without prejudice to any other liability imposed under the Local Government (Miscellaneous Provisions) Act 1976, shall use their best endeavours to ensure that drivers and proprietors of vehicles owned or controlled or operated in association with the operator shall observe and perform the conditions of their private hire driver's licence and their private hire vehicle licence.
- 1.7 The operator, will ensure that all dispatch/booking staff attend a safeguarding training session with the council at the time of employment and every 3 years thereafter.
- 1.8 The operator, will ensure that all dispatch/booking staff have a Basic DBS check on commencement of employment and keep record in line with 2.1.2 below.

#### **2.0 Records**

- 2.1.1 The operator shall maintain at their premises particulars of all vehicles operated by them, which shall include the following:

- (i) the licence plate number;
- (ii) the registration number;
- (iii) the name and address of proprietor;
- (iv) the name(s) and address(s) or driver(s) of the above vehicle(s);
- (v) the badge number(s) of driver(s); and
- (vi) copies of licences for all vehicles and drivers.

2.1.2 The operator shall maintain at their premises particulars of all staff who take bookings or dispatch vehicles, which shall include the following:

- (i) Name and address of staff member
- (ii) Date of last Basic disclosure check
- (iii) Basic disclosure check number
- (iv) Date of safeguarding training

2.2 The records required by Condition 2.1.1 and 2.1.2 shall be produced to any authorised officer of the Council or police constable upon request

2.3 The Council must be informed of any changes in the particulars detailed in Condition 2.1.1 and 2.1.2 above.

2.4 The operator shall enter in a bound book or electronic record, the pages of which are numbered consecutively, particulars of every private hire booking and the particulars shall be entered in the book at the time of the booking and shall include the following:

- (i) the time and date of each booking;
- (ii) by what method the booking was received, i.e. telephone call or personal call;
- (iii) journey from ..... to .....
- (iv) the name of the hirer and where the booking is received from another operator, the name of that operator;
- (v) the private hire vehicle and/or ambulance vehicle licence plate number and the name and licence number of the driver which will attend or, where the booking is passed onto another operator, the name of that operator.
- (vi) The name of the staff member who took the booking/dispatched the vehicle.

2.5 An alternative method of record keeping may only be used with the written agreement of the Council, which will specify in detail how the records are to be kept.

- 2.6 The records required in condition 2.4 shall be kept for a period of not less than two years, or such longer period as required by an authorised officer of the Council.
- 2.7 A hard copy of the records must be produced immediately, on request, to any authorised officer of the Council or police constable.
- 2.8 Where any bookings are subcontracted, either by the operator to another licensed operator or are accepted by the operator from another operator, a full record of the booking (in line with 2.4 above) and notes must be included; including the name of the subcontractor and contact information).
- 2.9 The operator shall not, knowingly or without the prior written consent of the Council, engage in partnership with, or allow or suffer any involvement in the management of the operator hereby licensed:
- (a) any person who has been convicted of an offence under the Local Government (Miscellaneous Provisions) Act 1976 or any other legislation relating to private hire and hackney carriage licensing; and
  - (b) any person who, for the purposes of Part II of the said Act, has been found by any licensing authority not to be a fit and proper person to hold a driver's or operator's licence (Rehabilitation of Offenders Act 1974).
- 2.10 The operator is required to maintain a policy on the employment of ex-offenders who may work for the operator or undertake work on behalf of the operator in order to ensure such persons do not pose a risk to the safety of the public. Applicant and licence holders are advised to note the position the council takes in its relevant convictions policy when formulating such a policy.
- 2.11 The operator will ensure that the company maintains a Safeguarding Policy that addresses the needs of the protection of children and vulnerable adults whom the operator provides transport services.

### **3.0 Reporting Requirements**

- 3.1 The operator shall notify the Council, in writing, of any change of their operating address during the period of the licence within seven days of such change taking place.
- 3.2 The operator shall inform the Council of:
- (a) any convictions by a Magistrates or Crown Court incurred during the period of the licence within seven days of the conviction;
  - (b) any High or County Court judgments against the operator or any partner director or officer of the operator.

#### **4.0 Insurance**

- 4.1 The operator shall keep, after having first seen the original, a copy of all cover notes and certificates of insurance issued to the said drivers/proprietors. The dates shown on such documents must show continuation of cover throughout the period that the vehicle is working in connection with the said operator. When a "block" policy is held by the operator, a full list of all vehicles and drivers covered should be kept for at least **one year**.
- 4.2 The operator must not operate a private hire vehicle / hackney carriage unless the vehicle and driver are licensed by Newark and Sherwood District Council. The operator must personally examine vehicle licences and insurance certificates to satisfy himself / herself as to their validity.

#### **5.0 Complaints Procedure**

- 5.1 All operators shall have a written complaints procedure that is available at all times within the operating base. Staff will be made aware of the key components of the procedure and operators shall provide training and instruction on the procedure as appropriate.
- 5.2 The operator shall keep records of all complaints made to them or their agents or managers relative to any aspect of their business or persons at that time working with or employed by that operator.
- 5.3 The records shall contain details of the time and date of the complaint, the vehicle and driver to which it relates, the details and the nature of the complaint, the person receiving the complaint and the action taken by all parties aware of the complaint.
- 5.4 The records shall be available at all times for inspection by an authorised officer of the Council.

#### **6.0 Driver Hours**

- 6.1 The operator will monitor drivers' working hours to ensure they are safe to transport the public. Although there is no legal framework for taxi drivers' hours, it is incumbent upon the operator to ensure drivers do not work long hours and that they are fit to drive and thus will not put the public at risk.

#### **7.0 Operator Absence**

- 7.1 A licensed operator must inform the Council if they are going to be absent from the day to day running of the business for a period of two consecutive months. In doing this, the operator must give the name of the person that will be responsible for the running of the business on their behalf.

## **Appendix Eleven**

### **SPECIFICATION FOR PRIVATE HIRE VEHICLES AND HACKNEY CARRIAGES**

#### **1.0 Age of vehicles**

1.1 For all private hire vehicles, the following age limits will apply:

- vehicles must be under four years of age when first licensed and not over eight years of age on renewal.

1.2 For all hackney carriage vehicles, the following age limits will apply:

- vehicles must be under four years of age when first licensed and not over eight years of age on renewal. A purpose built or wheelchair accessible hackney carriage must be under seven years of age when first licensed and not over 12 years of age on renewal.

#### **2.0 Vehicle type**

2.1 Vehicles for private hire applications must be saloon, hatchback, estate cars or a suitable wheelchair accessible vehicle. Vehicles not meeting this definition will be considered where the applicant can demonstrate a market need for a different type of vehicle.

2.2 Vehicles for hackney carriage applications must be saloon, hatchback, estate cars, a purpose built hackney carriage, or a suitable wheelchair accessible vehicle. Vehicles not meeting this definition will be considered where the applicant can demonstrate a market need for a different type of vehicle.

#### **3.0 Vehicle Power/Engine size**

3.1 A minimum engine capacity of 90 Brake Horsepower (BHP)

#### **4.0 Driver Configuration**

4.1 All licensed vehicles must be right hand drive.

#### **5.0 Doors**

5.1 Four passenger doors including the driver's door.

#### **6.0 Seating**

6.1 Seating should be for at least four, but not more than eight passengers in addition to the driver.

6.2 Rearward facing seats over or rearward of the rear wheels and axle(s) having normal access only through a rear door will not be permitted.

6.3 The licence holder/driver shall not permit a private hire vehicle to carry a greater number of passengers than the number allowed by the licence.

6.4 Sideway mounted seats are not permitted.

## **7.0 Wheels and Tyres**

7.1 All tyres, including the spare wheel, must be suitable for use on the vehicle and conform to the requirements of the original manufacturers' specification. The vehicle must have four roadworthy wheels and tyres and carry at least one spare wheel, a jack and brace, all securely stored in a position not liable to damage passengers' luggage.

7.2 Run-flat tyres are acceptable on licensed vehicles.

7.3 'Space-saver' spare tyres are acceptable on licensed vehicles if they conform to the original manufacturers' specification. If a 'space-saver' spare tyre is used on a licensed vehicle it must only be for the duration of completing the current fare and returning to a garage to obtain a suitable replacement. No further fares may be taken whilst the 'space-saver' spare tyre is being used on the vehicle.

7.4 Original manufacturers' specification 'tyre repair kits / compressor' are permitted within licensed vehicles provided they comply with the relevant British Standards. If a 'tyre repair kit/ compressor' is used on a licensed vehicle in lieu of a spare tyre it must only be for the duration of completing the current fare and returning to a garage to obtain a suitable replacement. No further fares may be taken whilst the tyre repaired with the 'tyre repair kit/ compressor' is being used on the vehicle.

## **8.0 Vehicle Roof**

8.1 A permanent roof which is watertight - a standard sun roof (i.e. sun roof fitted when new by manufacturer) or a sunroof fitted retrospectively will be allowed.

## **9.0 Vehicle Structure and Appearance**

9.1 The vehicle must not show evidence of patched repairs to the chassis or structural body parts of the vehicle including the outriggers unless the repair is of the original gauge metal and continuously welded.

9.2 A clean and smart appearance both externally and internally.

## **10.0 Luggage Compartment**

10.1 A separate locking luggage area, or in the case of an estate vehicle, a permanent grille fitted sufficient to prevent luggage carried in the rear compartment from coming into contact with persons using the rear seat. Roof racks and top boxes are permitted but roof racks shall only be used for the transport of sports equipment.

## **11.0 Seat Belts**

11.1 All vehicles must be fitted with fully operational seat belts, one for each passenger to be carried, fully compliant with the relevant British Standard, except where legislation specifically provides an exemption.

## **12.0 Mirrors**

12.1 All vehicles must have an internal rear view mirror and nearside and offside exterior rear view mirrors.

## **13.0 Communication with Driver**

13.1 There must be sufficient means by which a passenger can communicate with the driver.

## **14.0 Fire Extinguishers**

14.1 The vehicle must have an efficient fire extinguisher, fitted in such a position to be readily available for use, and the capacity of not less than 3 pounds (1.361kg) BCF, confirmation to BS5423 dry powder or CO<sub>2</sub>.

14.2 All extinguishers must be certified in accordance with the appropriate British Standard. The date of expiry must be clearly visible on the extinguisher. The extinguisher must be marked with the vehicle registration number or licence plate number.

## **15.0 First Aid Kit**

15.1 All licensed vehicles must carry a first aid kit suitable for treating minor injuries that complies with the advice of the Health and Safety Executive as a minimum. There is no requirement for a driver to administer first aid treatment, however, the first aid kit should be made available to passengers or any person(s) where appropriate.

15.2 The first aid kit should be stored in such a position so as to be readily available to the driver at all times.

15.3 The first aid kit should be marked with the registration or plate number of the vehicle and replenished as necessary to conform to any product expiry date.

## **16.0 MOT certificate**

16.1 An MOT certificate must be produced on application.

\*NOTE: An MOT certificate is required for licensed vehicles after the FIRST YEAR of registration.

## **17.0 Modifications**

17.1 No material alteration or change in the specification, design, condition or appearance of any licensed vehicle may be made without:

- i) compliance with road traffic legislation,
- ii) compliance with insurance requirements, and
- iii) obtaining approval for the change(s) from the Council

## **18.0 Advertisements**

18.1 Any advertising shall be confined to the door panels and rear boot panels and in the case of hackney carriages to the top sign as permitted by law.

18.2 No licensed vehicle shall carry an advertisement for any other hackney carriage or private hire proprietor, operator or company.

18.3 All advertisements shall be in good taste and contain no material that may be considered to be offensive to any section of the community. The Council retains the right to require advertising to be removed from vehicles.

18.4 All designs are to be submitted for approval by the Council prior to use on vehicles.

## **19.0 Trailers**

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

- i. The driver's DVLA driving licence must cover the categories that allow the towing of trailers, currently 'BE' for cars and 'D1E' for a minibus, as amended by any subsequent legislation.
- ii. The trailer must at all times comply with all requirements of road traffic legislation, in particular those as laid down in the Road Vehicles (Construction and Use) Regulations 1986.
- iii. The vehicle insurance must include cover for towing a trailer.
- iv. Trailers must not be left unattended anywhere on the highway.
- v. The speed restrictions applicable to trailers must be observed at all times.
- vi. A suitable lid or other approved means of enclosure shall be fitted to secure and cover the contents of the trailer whenever in use.
- vii. Trailers must be approved by the Council's nominated garage.
- viii. Trailers must undergo any inspection required by the Council and in all cases be inspected at the same frequency of vehicles.



- ix. Trailers must display an identical licence plate to the licensed vehicle. The Council may charge an administrative fee for the duplicate plate.
- x. Trailers cannot be used on a hackney carriage rank and should only be used for specific pre-booked journeys, not whilst plying for hire.

## **20.0 Tinted Windows**

- 20.1 The front windscreen, front driver's side window and front passenger's side window must be clear glass. Exemption from this requirement will be given for original manufacturer's specification 'light tint' glass.
- 20.2 The rear windscreens of any vehicle and the rear passenger compartment side windows of any vehicle shall have visual transmission of light of not less than 70%.
- 20.3 This section does not preclude any requirements provided for in any relevant legislation relating to road traffic vehicles.

## **21.0 Taxi Signage**

- 21.1 A hackney carriage shall carry upon the roof, or as an alternative in or on the windscreen of the said vehicle, a sign which shall include the word "Taxi" or "For Hire" and shall be capable of being illuminated internally at all times when the vehicle is plying for hire, but not otherwise; and such sign shall be fixed in such manner and position and to be of such size as shall be approved by the Council.
- 21.2 A private hire vehicle shall NOT display any sign which might reasonably be taken to indicate that the vehicle is a hackney carriage, and for this purpose must not include the word "Taxi" or "Cab" in the singular or the plural, or any word of similar meaning or appearance or such words in combination with any other word or words which shall be taken to indicate that the vehicle is a hackney carriage licensed to ply for hire

## **22.0 Fare Meter**

- 22.1 A hackney carriage shall be so constructed or adapted as to be capable of carrying the fare meter in a position acceptable to the Council and visible to all passengers at all times.
- 22.2 The proprietor of the hackney carriage shall cause the official rates of fare to be exhibited in the carriage as to be clearly visible by all passengers. The proprietor shall ensure that at all times the table of fares are kept in such condition that all lettering thereon is clearly visible to the passengers and shall renew the same cards as often as is necessary in order to comply with these conditions. Additional copies of the cards may be obtained from the Council.
- 22.3 The fare displayed on the taxi meter for the use of this vehicle when plying for hire within the district shall be strictly at the rate calculated in accordance with the scale of fares determined from time to time by the Council.
- 22.4 The operator of a private hire vehicle is not required to fit a taximeter but no such vehicle so equipped shall be operated unless the taximeter has been tested by the Council.

## **23.0 Wheelchair Access**

23.1 Where a vehicle is to be accessible to wheelchairs the following conditions apply:

- a) Access may be through either the side or rear door for wheelchairs. The rear access for all passengers must not be blocked by any chair lift once the doors are closed.
- b) Emergency signage must be provided where solid wheelchair ramps obscure emergency signs.
- c) Wheelchair anchorage points and seat belts must be fitted to the vehicle in accordance with the relevant statutory provisions and British Standard

## **Appendix Twelve**

### **Specification for Minibuses and Multi purpose Vehicles (MPVs)**

#### **1.0 Age of vehicles**

##### **1.3 Private Hire**

Generally vehicles must be under four years of age when first licensed and not over eight years of age on renewal. A purpose built or wheelchair accessible hackney carriage must be under seven years of age when first licensed and not over 12 years of age on renewal.

##### **1.4 Hackney Carriage**

Generally vehicles must be under four years of age when first licensed and not over eight years of age on renewal. A purpose built or wheelchair accessible hackney carriage must be under seven years of age when first licensed and not over 12 years of age on renewal.

#### **2.0 Vehicle type**

2.1 A private hire vehicle or hackney carriage licence will be granted in respect of a minibus or MPV constructed or adapted to carry up to eight passengers i.e. eight seats plus the driver's seat.

#### **3.0 Vehicle Power/Engine size**

3.1 A minimum engine capacity of 90 Brake Horsepower (BHP)

#### **4.0 Driver Configuration**

4.1 Right hand drive.

#### **5.0 Passenger Doors**

5.1 The vehicle must have appropriate emergency exit facilities i.e. two emergency doors as follows:

- a) one side opening door and one rear opening door (which must not be a single vertically opening door) in addition to the driver and front passenger doors, both of which must be capable of being opened from the inside with direct access for all passengers; or
- b) two side opening doors, in addition to the driver and the front passenger doors, both of which must be capable of being opened from the inside and with direct access for all passengers. For the avoidance of doubt this means that all passengers must be able to exit the vehicle without passing the end of another row of seats or having to lift, move or cross over another seat; and
- c) all opening mechanisms must be to manufacturer's standard specifications or comply with current British Safety Standards.

#### **6.0 Seating**

- 6.1 Seating should be for at least four, but not more than eight passengers in addition to the driver;
- 6.2 Rearward facing seats over or rearward of the rear wheels and axle(s) having normal access only through a rear door will not be permitted;
- 6.3 Sideway mounted seats will not be permitted.
- 6.4 Folding or moving seats which are so constructed to provide access to other seats and/or doors to which there is no direct access will be permitted so long as they have not been modified from the original design and construction of the vehicle.
- 6.5 Vehicles with folding or moving seats that provide access will be inspected prior to any approval being given for the use of the additional seats.

## **7.0 Wheels and Tyres**

- 7.1 All tyres, including the spare wheel, must be suitable for use on the vehicle and conform to the requirements of the original manufacturer's specification.
- 7.2 Run-flat tyres are acceptable on licensed vehicles.
- 7.3 'Space-saver' spare tyres are acceptable on licensed vehicles if they conform to the original manufacturer's specification. If a 'space-saver' spare tyre is used on a licensed vehicle it must only be for the duration of completing the current fare and returning to a garage to obtain a suitable replacement. No further fares may be taken whilst the 'space-saver' spare tyre is being used on the vehicle.
- 7.4 Original manufacturer's specification 'tyre repair kits / compressor' are permitted within licensed vehicles provided they comply with the relevant British Standards. If a 'tyre repair kit / compressor' is used on a licensed vehicle in lieu of a spare tyre it must only be for the duration of completing the current fare and returning to a garage to obtain a suitable replacement. No further fares may be taken whilst the tyre repaired with the 'tyre repair kit / compressor' is being used on the vehicle.
- 7.5 All tyres must be cross-ply or radials (remould tyres and part worn tyres are NOT acceptable).

## **8.0 Vehicle Roof**

- 8.1 A permanent roof which is watertight, a standard sun roof (i.e. sun roof fitted when new by manufacturer) or a sunroof fitted retrospectively will be allowed.

## **9.0 Vehicle Structure and Appearance**

9.1 The vehicle must not show evidence of patched repairs to the chassis or structural body parts of the vehicle, including the outriggers, unless the repair is of the original gauge metal and continuously welded.

9.2 A clean and smart appearance both externally and internally.

## **10.0 Luggage Compartment**

10.1 The vehicle must be fitted with a separate locking luggage area or, in the case of an estate vehicle, a permanent grille fitted sufficient to prevent luggage carried in the rear compartment from coming into contact with persons using the rear seat. Roof racks and, top boxes are permitted, but roof racks shall only be used for the transport of sports equipment.

## **11.0 Seat Belts**

11.1 All vehicles must be fitted with fully operational seat belts, one for each passenger to be carried, fully compliant with the relevant British Standard, except where legislation specifically provides an exemption.

## **12.0 Mirrors**

12.1 All vehicles must be fitted with an internal rear view mirror.

12.2 All vehicles must be fitted with nearside and offside exterior rear view mirrors.

## **13.0 Communication with Driver**

13.1 The vehicle must provide sufficient means by which a passenger can communicate with the driver.

## **14.0 Fire Extinguishers**

14.1 An appliance for extinguishing fires must be carried in all licensed vehicles. Such an appliance must be suitable for vehicle fires (fire class B and C) and conform to BSEN 3, showing the appropriate kite-mark.

14.2 The appliance must be securely fixed in a position readily accessible to the driver. It is acceptable for the appliance to be carried inside the vehicle's luggage compartment, however, it is preferable that the appliance is carried in the passenger compartment and visible to the passengers.

14.3 All extinguishers must be certified in accordance with the appropriate British Standard. The date of expiry must be clearly visible on the extinguisher. The extinguisher must be marked with the vehicle registration number or licence plate number.

## **15.0 First Aid Kit**

- 15.1 All licensed vehicles must carry a first aid kit suitable for treating minor injuries that complies with the advice of the Health and Safety Executive as a minimum. There is no requirement for a driver to administer first aid treatment, however, the first aid kit should be made available to passengers or any person(s) where appropriate.
- 15.2 The first aid kit should be stored in such a position so as to be readily available to the driver at all times.
- 15.3 The first aid kit should be marked with the registration or plate number of the vehicle and replenished as necessary to conform to any product expiry date.
- 15.4 The following is a suggested list for the minimum requirements of the contents of a first aid kit:
- individually wrapped sterile plasters (of assorted sizes), appropriate to the type of work (hypoallergenic plasters can be provided if necessary);
  - sterile eye pads;
  - individually wrapped triangular bandages, preferably sterile;
  - safety pins;
  - large, individually wrapped, sterile, unmedicated wound dressings;
  - medium-sized, individually wrapped, sterile, unmedicated wound dressings;
  - disposable gloves

## **16.0 MOT certificate**

- 16.1 An MOT certificate must be produced on application.

**\*NOTE:** An MOT certificate is required for private ambulance vehicles, private hire vehicles and hackney carriages after the FIRST YEAR of registration.

## **17.0 Equipment**

The vehicle should be fitted with:

- a. Spare wheel and tyre – properly stored to protect passengers' luggage
- b. Jack
- c. Wheelbrace
- d. A reflective warning triangle together with a set of replacement light bulbs for all front and rear lights. The latter does not apply to vehicles with sealed unit lights which do not have replaceable bulbs.
- e. \*Fire extinguisher (minimum 1.0 litre AFFF or 1 kg Dry Powder type)
- f. \*An approved First aid kit.

\*Located in accordance with the Supplementary Testing Manual

## **18.0 Modifications**

- 18.1 No material alteration or change in the specification, design, condition or appearance of any licensed vehicle may be made without:
- i) compliance with road traffic legislation,
  - ii) compliance with insurance requirements, and
  - iii) obtaining approval for the change(s) from the Council

## **19.0 Advertisements**

- 19.1 Any advertising shall be confined to the door panels and rear boot panels and, in the case of hackney carriages, to the top sign as permitted by law.
- 19.2 No licensed vehicle shall carry an advertisement for any other hackney carriage or private hire proprietor, operator or company.
- 19.3 All advertisements shall be in good taste and contain no material that may be considered to be offensive to any section of the community. The Council retains the right to require advertising to be removed from vehicles.

## **20.0 Trailers**

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

- i. The driver's DVLA driving licence must cover the categories that allow the towing of trailers, currently 'BE' for cars and 'D1E' for a minibus, as amended by any subsequent legislation.
- ii. The trailer must at all times comply with all requirements of road traffic legislation, in particular those as laid down in the Road Vehicles (Construction and Use) Regulations 1986.
- iii. The vehicle insurance must include cover for towing a trailer.
- iv. Trailers must not be left unattended anywhere on the highway.
- v. The speed restrictions applicable to trailers must be observed at all times.
- vi. A suitable lid or other approved means of enclosure shall be fitted to secure and cover the contents of the trailer whenever in use.
- vii. Trailers must be approved by the Council's nominated garage.
- viii. Trailers must undergo any inspection required by the Council and in any case this will be at intervals of every six months.
- ix. Trailers must display an identical licence plate to the licensed vehicle. The Council may charge an administrative fee for the duplicate plate.

- x. Trailers cannot be used on a hackney carriage rank and should only be used for specific pre-booked journeys, not whilst plying for hire.

## **21.0 Windows**

- 21.1 The front windscreen, front driver's side window and front passenger's side window must be clear glass. Exemption from this requirement will be given for original manufacturer's specification 'light tint' glass.
- 21.2 The rear windscreens of any vehicle shall not have been treated so that less than 75% of light is transmitted through them, and the rear passenger compartment side windows of any vehicle so that less than 70% of light is transmitted through them.
- 21.3 This section does not preclude any requirements provided for in any relevant legislation relating to road traffic vehicles.

## **22.0 Taxi Signage**

- 22.1 A hackney carriage shall carry upon the roof, or as an alternative in or on the windscreen of the said vehicle, a sign which shall include the word "Taxi" or "For Hire" and shall be capable of being illuminated internally at all times when the vehicle is plying for hire, but not otherwise; and such sign shall be fixed in such manner and position and to be of such size as shall be approved by the Council.
- 22.2 A private hire vehicle shall NOT display any sign which might reasonably be taken to indicate that the vehicle is a hackney carriage, and for this purpose includes the word 'Taxi' or 'Cab' in the singular or the plural, or any word of similar meaning or appearance or such words in combination with any other word or words which shall be taken to indicate that the vehicle is a hackney carriage licensed to ply for hire

## **23.0 Fare Meter**

- 23.1 A hackney carriage shall be so constructed or adapted as to be capable of carrying the fare meter in a position acceptable to the Council and visible to all passengers at all times.
- 23.2 The proprietor of the hackney carriage shall cause the official rates of fare to be exhibited in the carriage so as to be clearly visible by all passengers. The proprietor shall ensure that at all times the table of fares are kept in such condition that all lettering thereon is clearly visible to the passengers and shall renew the same cards as often as is necessary in order to comply with these conditions. Additional copies of the cards may be obtained from the Council.
- 23.3 The fare displayed on the taxi meter for the use of this vehicle when plying for hire within the district shall be strictly at the rate calculated in accordance with the scale of fares determined from time to time by the Council.
- 23.4 The operator of a private hire vehicle is not required to fit a taximeter but no such vehicle so equipped shall be operated unless the taximeter has been tested by the Council.

## **24.0 Wheelchair Access**



24.1 Where a vehicle is to be accessible to wheelchairs the following conditions apply:

- a) Access may be through either the side or rear door for wheelchairs. The rear access for all passengers must not to be blocked by any chair lift once the doors are closed.
- b) Emergency signage must be provided where solid wheelchair ramps obscure emergency signs.
- c) Wheelchair anchorage points and seat belts must be fitted to the vehicle in accordance with the relevant statutory provisions and British Standard.

## **Appendix Thirteen**

### **SPECIAL EVENT VEHICLES**

#### **1.0 Definition**

1.1 A Special Event Vehicle is:

- (a) a vehicle which has been converted or adapted from the manufacturer's original specification to increase the number of seats in the vehicle or increase its overall length; or
- b) one which is not a saloon car, estate car, people carrier or minibus licensable under the Council's standard private hire specification.

1.2 The licensing of special event vehicles is always subject to the proviso that the Council is satisfied that the vehicle concerned is suitable in size, type and design for use as a private hire vehicle. The Council's prime consideration is the safety and comfort of the travelling public and thus it reserves the right to refuse to licence any vehicle which, in its opinion, fails to meet this consideration.

1.3 Proprietors are reminded that private hire cars, including special event vehicles, licensed by Newark & Sherwood District Council must be controlled by the holder of a private hire operator's licence and can only be driven by the holder of a hackney carriage/private hire driver's licence, both issued by the Authority.

1.4 Before any vehicle is presented to the Council's Depot for mechanical testing, the owner shall ensure that it complies with the following requirements and conditions.

- (a) The owner shall provide the following documents to the Council:
  - i) DVLA Registration Document (V5)
  - ii) Either:
    - (1) Single Vehicle Approval issued by VOSA; or
    - (2) A Qualified Vehicle Modifier certificate issued by the coachbuilder who carried out the conversion
  - iii) Insurance certificate covering the vehicle for hire and reward
  - iv) Documentation showing the approved overall weight of the vehicle and displayed on it.
  - v) Current MOT test certificate regardless of the age of the vehicle.
  - vi) If the vehicle is converted to run on LPG, an installation certificate from a LPGA approved UK conversion company.
  - vii) A diagram of the vehicle showing the layout of the seats and any other equipment in the vehicle, e.g. mini bars, television equipment, etc.

#### **2.0 Age Policy**

- 2.1 The vehicle shall be no more than five years old on first licensing and be no more than eight years old on renewal. An owner may apply to licence a vehicle outside these limits but will be required to produce the following documents in addition to those above:
- i. A full and satisfactory service history of the vehicle;
  - ii. A current Emissions Certificate for the vehicle;
  - iii. A current MOT Certificate which remains valid for a period of not less than six months at the time of the application
- 2.2 An applicant will need to demonstrate that the vehicle does not show evidence of structural and/or body repairs (for example use of body filler or welding). The vehicle must also satisfy any mechanical or other test relating to road worthiness or passenger safety set down from time to time by the Licensing Authority. Prior to the conduct of such tests as may be required from time to time by the Licensing Authority the owner of the vehicle should be required to present it at such premises as the Licensing Authority shall direct, the vehicle having first been valeted internally and steam cleaned externally.
- 2.3 In addition, due regard shall be had to the mileage of the vehicle, taking into account the average mileage for a domestic vehicle of a comparable age and vehicle type.

### **3.0 Vehicle Specification**

- 3.1 A special event vehicle must also comply with the following:
- i. A minimum engine capacity of 90 Brake horse power (BHP)
  - ii. Right hand drive, although an imported stretched limousine may be left hand drive.
  - iii. Four passenger doors, including the driver's door. A stretched limousine must have two doors in the passenger compartment.
  - iv. The windscreen and all windows in the driver's cab shall be fitted with clear glass. Tinted windows complying with the requirements of the Construction and Use Regulations 2003, as amended or replaced, may be fitted to the other windows of the vehicle.

#### Seating:

- i. seating should be for at least four, but not more than eight, passengers in addition to the driver;
- ii. rearward facing seats over or rearward of the rear wheels and axle(s) having normal access only through a rear door will not be permitted;

- iii. sideways mounted seats will not be permitted except in stretched limousines. Such seats must be at least 400mm wide for each passenger and each seat must be fitted with a seatbelt which must be used.
- 3.7 Manufacturer's gross vehicle weight for the tyres and suspension actually fitted to the vehicle must be sufficient for a minimum payload equal to a full fuel tank, the driver and the number of passengers for which a licence is requested (at 70 kg per person) and luggage (at 20 kg per passenger); and where propane or liquid petroleum gas is used as the vehicle fuel, the weight of extra equipment must be within the gross weight limit. A licence will not be granted for any vehicle which requires an LGV or PSV licence.
- 3.8 Wheels and Tyres
- i) Four road wheels fitted with the manufacturer's recommended size tyres.
  - ii) A spare which will enable the vehicle to complete the current journey for which it is hired. A replacement tyre of the same type as that originally fitted must be fitted to the vehicle as soon as possible after the end of the journey.  
NOTE: All tyres must be cross-ply or radials (remould tyres are NOT acceptable unless they are clearly marked showing that they comply with British Standard BSAU144E).
- 3.9 A permanent roof which is watertight, a standard sun roof (i.e. sun roof fitted when new by manufacturer) or a sunroof fitted retrospectively will be allowed.
- 3.10 The vehicle must not show evidence of patched repairs to the chassis or structural body parts of the vehicle including the outriggers unless the repair is of the original gauge metal and continuously welded.
- 3.11 All vehicles must be fitted with rear seat belts (irrespective of age).
- 3.12 All vehicles must be fitted with nearside and offside exterior rear view mirrors.
- 3.13 All vehicles must be fitted with sufficient means by which a passenger can communicate with the driver.
- 3.14 All vehicles must have an approved first aid kit located in accordance with the Supplementary Testing Manual.
- 3.15 All vehicles must have a clean and smart appearance both externally and internally.
- 3.16 All vehicles must have the following equipment:
- a. Spare wheel and tyre – properly stored to protect passengers' luggage
  - b. Jack
  - c. Wheelbrace

- d. A reflective warning triangle together with a set of replacement light bulbs for all front and rear lights. The latter does not apply to vehicles with sealed unit lights which do not have replaceable bulbs.
- e. \*Fire extinguisher (minimum 1.0 litre AFFF or 1 kg Dry Powder type)
- f. \*An approved First aid kit.

\*Located in accordance with the Supplementary Testing Manual

#### **4.0 Licence Conditions**

4.1 The Council's standard private hire vehicle licence conditions shall apply with the following amendments:

- a) The vehicle must display a licence plate in the front window of the vehicle unless otherwise permitted.
- b) No luggage may be carried in the passenger compartment
- c) Passengers may not be carried in the driver's compartment of a stretched limousine.
- d) No more than eight passengers may be carried in a special event vehicle.
- e) A notice must be fixed in a conspicuous place in the passenger compartment stating that passengers must not put any part of their body outside the vehicle through any door or opening in the vehicle at any time.
- f) Where, as part of the hiring, alcohol is supplied to the passengers, this must be done from premises licensed under the Licensing Act 2003.
- g) No alcohol shall be supplied as part of the hiring where any passenger in the party is under 18 years of age. It is the responsibility of the licence holder to ensure that all members of the party are over 18 and where any member appears to be under 21, proof of age shall be obtained in the form of a passport, photo driving licence or approved proof of age card bearing the PASS hologram.
- h) No alcohol shall be supplied in a moving vehicle.

## **Appendix Fourteen**

### **AMBULANCE VEHICLES**

Newark & Sherwood District Council will licence as an 'Ambulance Vehicle' a vehicle which meets the following criteria:

- 1) The vehicle must be exempt from Vehicle Excise Duty by reason of the application of Paragraph 6 of Schedule 2 of the Vehicle Excise and Registration Act 1994.
- 2) Manufacturer's gross vehicle weight for the tyres and suspension actually fitted to the vehicle must be sufficient for a minimum payload equal to a full fuel tank, the driver and the number of passengers for which a licence is requested (at 70 kg per person) and luggage (at 20 kg per passenger); and where propane or liquid petroleum gas is used as the vehicle fuel, the weight of extra equipment must be within the gross weight limit.
- 3) Wheels and Tyres:
  - i. Four/six (dependent on axle configuration) road wheels fitted with the manufacturer's recommended size tyres.
  - ii. Arrangements must be made by the operator for the replacement of damaged or punctured tyres while the vehicle is in use.
- 4) A permanent roof which is watertight, a standard sun roof (i.e. sun roof fitted when new by manufacturer) or a sunroof fitted retrospectively will be allowed.
- 5) The vehicle must not show evidence of patched repairs to the chassis or structural body parts of the vehicle, including the outriggers, unless the repair is of the original gauge metal and continuously welded.
- 6) The vehicle must be fitted with rear seat belts or an appropriate means of restraining a stretcher bound patient (irrespective of age).
- 7) Nearside and offside exterior rear view mirrors.
- 8) Sufficient means by which a passenger can communicate with the driver.
- 9) A fully serviceable fire extinguisher, fitted in such a position as to be readily available for use and a capacity of not less than 1.0 litre. The extinguisher must be suitable for use in an ambulance.
- 10) An approved first aid kit.

11) An MOT certificate, which must be produced on application.  
\*NOTE An MOT certificate is required for ambulance vehicles after the FIRST YEAR of registration.

12) A clean and smart appearance both externally and internally.

13) Equipment

The vehicle should be fitted with:

- a. Spare wheel and tyre – properly stored to protect passengers' luggage
- b. Jack
- c. Wheelbrace
- d. A reflective warning triangle together with a set of replacement light bulbs for all front and rear lights. The latter does not apply to vehicles with sealed unit lights which do not have replaceable bulbs.
- e. \*Fire extinguisher (minimum 1.0 litre AFFF or 1 kg Dry Powder type)
- f. \*An approved First aid kit.

\*Located in accordance with the Supplementary Testing Manual

14) Age

Generally vehicles must be under seven years of age when first licensed and not over 12 years of age on renewal. However a vehicle which does not meet these criteria may be licensed subject to the conditions in Part V of this Appendix.

## Appendix Fifteen

### HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENCE CONDITIONS

#### Licence Plates and Signs

1.
  - (a) The proprietor or operator shall cause the number of this licence to be fixed and displayed on the hackney carriage or private hire vehicle at all times during which the vehicle is licensed as a hackney carriage or private hire vehicle. The number is to be displayed by means of the licence disc and the licence plate issued by the Council to the proprietor or operator.
  - (b) The licence plate shall be fixed and clearly displayed either on the rear bumper or attached to the rear registration plate of the vehicle. In the latter case, the licence plate shall not obscure the registration plate.
  - (c) The licence disc shall be fixed and clearly displayed on the left-hand side of the windscreen of that vehicle.
  - (d) The proprietor or operator shall ensure that the approved taxi or private hire vehicle signs, containing the Council's logo, are displayed on both side of the vehicle on the area behind the rear doors (unless another approved sign is displayed there in which case the position of the logo shall be agreed by the Council) of the hackney carriage or private hire vehicle at all times while the vehicle is Licensed as a Hackney Carriage or Private Hire Vehicle. The sign must be displayed with the words 'Newark & Sherwood District Council' uppermost.
2. The licence plate and the licence disc referred to in Condition 1 shall remain the property of the Council and shall be returned forthwith to the Licensing Section of Newark and Sherwood District Council, Castle House, Great North Road, Newark, Nottinghamshire, if the proprietor or operator no longer holds a hackney carriage or private hire vehicle licence issued by the Council which is in force in respect of the vehicle.

#### Authority to Inspect Vehicles and Conduct Vehicle Inspections

- (a) An authorised officer of the District Council or any police constable shall have the power at all reasonable times to inspect and test any hackney carriage vehicle licensed by the District Council for the purpose of ascertaining its fitness.
- (b) If the authorised officer of the District Council or the police constable is not satisfied with the fitness of the licensed vehicle, the proprietor shall, after being notified in writing, present the vehicle at the time and place specified for an examination.

In addition to the provisions of Condition 3 above, the proprietor or operator shall present the hackney carriage or private hire vehicle for inspection and testing at such time as specified in a notice served upon the proprietor by an authorised officer of the District Council or any police constable requiring the proprietor or operator to do so.



Provided that the Council shall not, under the provisions of this Condition, require the proprietor or operator to present the vehicle for inspection and testing on more than two separate occasions during any one period of twelve months.

5. If the authorised officer or police constable is not satisfied as to the condition of the hackney carriage or private hire vehicle upon completion of the inspection required by Condition 3(b) or Condition 4, they may immediately suspend the vehicle licence and the proprietor or operator shall forthwith, upon being required to do so by the authorised officer or police constable, cause the licence plate and licence disc to be removed from the hackney carriage or private hire vehicle and handed to the authorised officer or police constable who shall retain them until such a time as they are satisfied as to the condition of the hackney carriage or private hire vehicle, whereupon the licence plate will be returned to the proprietor or operator.
6. In addition to the provisions of Conditions 3, 4 or 5 above, the vehicle shall be subject to a mechanical examination every six months which will be conducted at a test station approved by the Council.

#### Vehicles - General

7. The vehicle shall comply with the specification for hackney carriage and private hire vehicles set by the Council.
8. The vehicle shall be kept clean and well maintained in every way fit for public service.
9. The vehicle will only be permitted to carry the number of persons specified on the licence irrespective of whether they are children or not.
10. All vehicles shall be fitted with seatbelts, one for each passenger, plus the driver, which shall be readily accessible for use and maintained in a useable state of repair.
11. The vehicle may only be driven by a person holding a valid hackney carriage/private hire driver's licence issued by the Authority (subject to the exemptions in law).
12. A hackney carriage or private hire vehicle licensed with the Authority may not hold a hackney carriage or private hire vehicle licence with another Authority.
13. If a vehicle is equipped to tow a trailer it shall not at any time it is licensed as a private hire vehicle or hackney carriage tow any trailer or other vehicle whilst it is carrying fare paying passengers.

## Vehicle Documentation

14. (a) The proprietor or operator shall, during the currency of this licence, hold a policy of insurance which complies with Part 4 of the Road Traffic Act 1988.
- (b) The proprietor or operator shall produce, when required, the vehicle's registration document, certificate of insurance and Ministry of Transport (MOT) certificate and shall ensure that the vehicle displays a valid Vehicle Excise Licence.
- (c) Failure to produce such documents within seven days of being so required may result in the suspension of the vehicle licence without notice.

## Advertising on Vehicles

15. (a) Any advertising shall be confined to the door panels and rear boot panels; and in the case of hackney carriages to the top sign as permitted by law.
- (b) No licensed vehicle shall carry an advertisement for any other hackney carriage or private hire proprietor, operator or company.

### Note

Notwithstanding that any hackney carriage/private hire vehicle which at the time of implementation of this rule shall be permitted to retain any design, which has been approved by the Council, until such time as that vehicle ceases to be a licensed hackney carriage or private hire vehicle, or the livery of the vehicle is altered, whichever is the shorter period.

All designs are to be submitted for approval by the Council prior to use on vehicles.

## Agenda Page 122 Taxi Signs and Roof Signs

16. (a) A hackney carriage shall carry upon the roof, or as an alternative in or on the windscreen of the said vehicle, a sign which shall include the word 'TAXI' or 'FOR HIRE' and shall be capable of being illuminated internally at all times when the vehicle is plying for hire, but not otherwise; and such sign shall be fixed in such manner and position and to be of such size as shall be approved by the Council.
- (b) A private hire vehicle shall NOT display any sign which might reasonably be taken to indicate that the vehicle is a hackney carriage, and for this purpose includes the word 'TAXI' or 'CAB' in the singular or the plural, or any word of similar meaning or appearance or such words in combination with any other word or words shall be taken to indicate that the vehicle is a hackney carriage licensed to ply for hire.

A private hire vehicle shall NOT carry any roof sign.

#### Fare Meters and Fares for Hackney Carriages

17. A hackney carriage shall be so constructed or adapted as to be capable of carrying the fare meter in a position acceptable to the Council and visible to all passengers at all times.
18. The proprietor of the hackney carriage shall cause the official rates of fare to be exhibited in the carriage as to be clearly visible by all passengers. The proprietor shall ensure that at all times the table of fares are kept in such condition that all lettering is clearly visible to the passengers and shall renew the same cards as often as is necessary in order to comply with these conditions. Additional copies of the cards may be obtained from the Council.
19. The fare displayed on the taxi meter for the use of the vehicle when plying for hire within the district shall be strictly at the rate calculated in accordance with the scale of fares determined from time to time by the Council.
20. The operator of a private hire vehicle is not required to fit a taximeter but no such vehicle so equipped shall be operated unless the taximeter has been tested by the Council.

#### Reporting of Accidents

21. The proprietor or operator shall, within 72 hours of any accident involving the hackney carriage or private hire vehicle, report such occurrence to the Council.

#### First Aid Kits and Fire Extinguishers

22. The vehicle shall be fitted with a first aid kit and a serviceable 1.0 litre A.F.F.F. or 1.0 kilogram dry powder fire extinguisher. Both of these items must be carried in accordance with the instructions in the Supplementary Testing Manual.
23. The vehicle shall also carry a reflective warning triangle and a set of replacement light bulbs for all front and rear lights. The latter does not apply to vehicles with sealed unit lights which do not have replaceable bulbs

#### Proprietors/Operators of Hackney Carriages/Private Hire Vehicles

24. (a) The proprietor or operator shall not in Newark and Sherwood District act as a driver of the vehicle unless he has a current hackney carriage/private hire driver's licence issued to him by the Council.
- (b) The proprietor or operator shall not in Newark and Sherwood District employ or use any person as a driver of the vehicle, or permit any other person to act as the driver of the vehicle, unless the person concerned holds a current hackney carriage private hire driver's licence issued by the Council (subject to the exemptions in law).
25. The proprietor or operator shall inform the Council in writing of:
  - (a) all convictions and penalties incurred, whether imposed by a court or by a police officer or other officer authorised to serve fixed penalty notices, during the period of the licence within seven days of the conviction or the issuing of the fixed penalty notice (for this purpose a fixed penalty is classed as a conviction).
  - (b) County or High Court judgements, i.e. in the case of bankruptcy, etc.
  - (c) change of their address during the period of the licence within seven days of such change taking place.

Documentation to be Maintained by Proprietors/Operators of Hackney Carriage/Private Hire Vehicles

26. (a) The proprietor or operator shall maintain a list of the names and addresses of all persons employed, or otherwise used, by him or her for the purposes of driving the hackney carriage, and shall make such a list available for inspection by the Council on demand.
- (b) The proprietor or operator must notify the Council in writing of any change of address (including any change of business address) during the period of the licence, within seven days of such change taking place.

Interviews

27. Where a proprietor or operator is requested to either attend an interview relating to the driving or operation of a vehicle licensed by the Council and fails to attend without reasonable excuse, the Council may suspend this licence without notice.

Newark and Sherwood District Byelaws

28. The byelaws for the time being in force in the district of Newark and Sherwood with respect to hackney carriage and private hire vehicles, hackney carriage proprietors, private hire operators and hackney carriage private hire drivers shall apply to this licence and are incorporated as if they were herein set out in full as conditions of this licence.

#### Penalties

28. A person who offends against a byelaw, or the Town Police Clauses Act 1847 or the Local Government (Miscellaneous Provisions) Act 1976 is liable to a fine not exceeding Level 3 on the standard scale. In addition, the Council may suspend or revoke an existing licence or refuse to renew a licence.

## **Appendix Sixteen**

### **VEHICLE TESTING**

#### **1.0 Vehicle Testing Centre**

- 1.1 The approved vehicle testing centre is located on Brunel Drive, Newark, NG24 2EG. The service is by appointment only. The contact number for the garage is 01636 655566.
- 1.2 A copy of the Supplementary Testing Manual is set out below



**NEWARK AND SHERWOOD DISTRICT COUNCIL**

**THE LICENSING OF HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES**

**SUPPLEMENTARY TESTING MANUAL**

**Vehicles will be tested to a higher than MOT standard  
unless otherwise indicated in the supplementary testing manual**

## INDEX

Section 1	-	Vehicle Exterior
Section 2	-	Signs <ul style="list-style-type: none"><li>- Hackney Carriage</li><li>- Private Hire Vehicle</li></ul>
Section 3	-	Licence Plates
Section 4	-	Tyres and Spare Wheel
Section 5	-	Boot/Luggage Compartment
Section 6	-	Engine Compartment/Transmission/Mountings
Section 7	-	Interior of Vehicle
Section 8	-	First Aid Kit
Section 9	-	Fire Extinguishers
Section 10	-	Road Test
Section 11	-	Meters



## 1. EXTERIOR OF THE VEHICLE

### METHOD OF INSPECTION

### REASONS FOR FAILURE

### NOTES

1.1 The exterior of the bodywork, the underside of the vehicle and the engine compartment must be free from mud, oil and grease to allow for proper inspection of these areas (see Notes), i.e. steam cleaned.

1. Contamination preventing proper inspection.

If the vehicle comes for annual inspection in a filthy condition the inspection will not be carried out.

1.2 Check the operation of all external door catches and locks to ensure that all doors can be securely closed and easily opened.

2. Defective external door catches which prevent a door opening and closing properly.  
Missing or ineffective door locks.

1.3 Check all doors to ensure that they are properly aligned and will close easily.

3. Poorly fitting doors to the vehicle.

1.4. Ensure that the door hinges are in good condition allowing free movement of the door.

4. Defective door hinges.

1.5 Check all wind check positions to ensure that doors are held in place when opened.

5. Wind-checks which fail to hold the doors in place when opened.

Any wind check straps must be of a type approved by the manufacturer.

1.6 Examine the external body panels and structure for evidence of corrosion, damage and/or unsatisfactory repairs.

6. Corrosion or damage to the vehicle body or structure which adversely affects the appearance and/or safety of the vehicle.

Engineer's certification may be required to satisfy the vehicle examiner that repairs have been properly carried out.

1.7 Examine the external paintwork for damage which adversely affects the appearance of the vehicle (see Notes).

7. Exterior of vehicle so dirty that the overall finish of the paintwork cannot be assessed. Paintwork so deteriorated, damaged, rust blistered or stone chipped, that it detracts from the overall

**METHOD OF INSPECTION**

**REASONS FOR FAILURE**

**NOTES**

appearance of the vehicle. Renovations to paintwork which produce runs, flat or uneven finish or of non-matching colour, i.e. not compatible with adjacent panels.

Repairs incomplete in primer or undercoat.

Vehicle resprayed in unapproved colour or colours.

Overspray on glass or other fittings.

Vinyl roof covering dirty, stained, discoloured, painted (other than with vinyl refurbishment product), torn or becoming detached.

Roof covered in unapproved material.

Finisher moulding insecure, incorrectly fitted or missing.

1.8 Check that the nearside and offside door/wing mirrors are fitted to the vehicle in a secure manner and that they function correctly.

1.9 Ensure that the front and rear bumpers are in good order (without damage) and are securely fixed to the vehicle.

8. Missing or defective door/wing mirrors.

9. Damaged or inadequately secured front or rear bumpers.

**METHOD OF INSPECTION**

1.10 Ensure that front and rear number plates comply with the Vehicle Excise and Registration Act 1994 and the Road Vehicles (Registration and Licensing) Regulations. (See Notes)

**REASONS FOR FAILURE**

10. Damaged front or rear number plates. Number plates which do not comply with the vehicle Excise and Registration Act 1994 and Road Vehicles (Registration and Licensing) Regulations.

**NOTES**

Registration mark obscured or indistinguishable is contrary to Section 43(1) of Vehicle Excise and Registration Act 1994.

Registration mark failing to conform is contrary to Regulation 17 of the Road Vehicles (Registration and Licensing) regulations and Section 59(1) of the Vehicle Excise and Registration Act 1994.

Registration numbers should be (cars/mini bus)  
80mm Height  
57mm Width  
14mm Stroke width  
11mm Space between letters  
33mm Space between group of letters and figures

The year letter shall be regarded as a figure. Italic or gothic will normally contravene the stroke width measurement. It is an offence to rearrange, alter or misrepresent figures to form words or names.

The vehicle will fail the test where defects in a door seal are considered to be likely to cause rain penetration, excessive draught, excessive road noise inside the vehicle or represent a trip hazard to users of the vehicle.

1.11 Examine the rubber seals to every door for serious damage, looseness or absence.

11. Damaged, missing or loose door seals which are likely to cause draught, rainwater penetration, unreasonable road noise or a trip hazard.

**METHOD OF INSPECTION**

1.12 Ensure that the vehicle boot lid opens, closes and locks properly, and that the hinges and opening mechanism adequately support the lid when it is in the open position.

1.13 Check the operation of the number plate light, reversing lights and front and rear fog lights.

**REASONS FOR FAILURE**

12. Worn hinges to boot lid, defective boot lock, weak or defective boot opening device.

13. Inoperable or insufficient number plate, reversing or fog lights.

**NOTES**

Lights may be of insufficient intensity when incorrect bulbs have been fitted.  
Any lamp fitted must work correctly and be properly aligned.

## 2. SIGNS - HACKNEY CARRIAGE SIGNS

### METHOD OF INSPECTION

### REASONS FOR FAILURE

### NOTES

2.1	Examine the roof mounted sign affixed to the vehicle (see Notes), and ensure that its size, design and construction conform to the Council's standards. Ensure that the sign is undamaged and the lettering clearly legible.	1. A sign that does not conform to the Council's standards affixed to the vehicle.	The Council's licence conditions require that a hackney carriage must be equipped with an illuminated sign on the roof.
2.2	Examine the fixing brackets which affix the roof mounted signs to the vehicle to ensure that the signs are secured in a satisfactory manner and are not likely to work loose.	2. A sign that is not satisfactorily secured to the vehicle.	If a top sign is to be replaced, it should conform to the above, although current top signs will be accepted until that time.
2.3	Check that roof mounted signs are properly illuminated (see Notes).	3. A sign which is damaged or has lettering which is not clearly legible.	The roof sign should be connected to the meter switch so that the cancelling of the meter automatically illuminates the sign and activating or switching off the meter by other means (e.g. an isolator switch) automatically extinguishes the sign.
2.4	Check that the roof mounted sign may be switched off by separate switch.	4. A sign which cannot be switched off by separate means.	

## 2. SIGNS - PRIVATE HIRE VEHICLE SIGNS

### METHOD OF INSPECTION

- 2.5 Examine the signs where affixed to the vehicle to ensure that they comply with the Council's vehicle licence conditions.

### REASONS FOR FAILURE

1. Non-compliance with conditions.

### NOTES

The Council's licence conditions require that no top signs are allowed on private hire vehicles and that no signs including the words 'Taxi', 'Cab', 'For Hire' etc. are allowed on private hire vehicles which may lead the public to think that the vehicle is a taxi.

### 3. LICENCE PLATES

#### METHOD OF INSPECTION

- 3.1 Inspect the vehicle licence plate fixed to the rear of the vehicle for signs of damage or excessive wear, and ensure that it is securely fixed. Ensure that the information on the plate is clearly legible.
- 3.2 Examine the plate fixing to the vehicle in accordance with the Local Authority's Conditions (see Notes).
- 3.3 Ensure that the licence disc is fixed to the interior of the vehicle and is clearly visible to the passenger.

#### REASONS FOR FAILURE

1. A damaged plate or a plate with information not clearly legible.
2. A plate which is not adequately secured to the vehicle.
3. Missing or damaged disc with information not clearly visible.

#### NOTES

The Council's licence conditions require that the licence plate be displayed at all times.

#### 4. TYRES AND SPARE WHEEL

(Where wheel trims are fitted these should be removed by the driver before the test to enable the wheel to be properly checked)

##### METHOD OF INSPECTION

##### REASONS FOR FAILURE

##### NOTES

4.1	Tyres must be of the same type (see Notes). Ensure that the tyre provided on the spare wheel is of the same size and construction as those fitted to the road wheels (see Notes).	1. Variation in type of tyre. A spare wheel not provided with the vehicle. A tyre which is of a different size or construction.	SPARE WHEEL MUST BE PROVIDED
4.2	Examine the tyres for signs of damage or excessive wear (see Notes) and ensure that the spare tyre complies with all legal requirements for tyres when fixed to the vehicle.	2. Damaged, worn, substandard or otherwise illegal tyres. Tyres below the Council's minimum tread depth (see Notes).	A mix of steel and cord radials on one axle will not be accepted. Recut tyres are not acceptable.  A remould will only be acceptable if it carries a clearly legible manufacturer's mark that the tyre conforms to the current British Standard BSAU144E.  Tyre tread pattern should be a minimum of 2mm in depth throughout the complete circumference and tread breadth of the tyre.
4.3	Check all tyre pressures to ensure that they are inflated to the correct pressure for the vehicle.	3. Under or over inflated tyre(s).	
4.4	Examine the jack and wheelbrace provided with the vehicle to ensure that they are in good working order.	4. Failure to provide a suitable jack and/or wheelbrace with the vehicle.	
4.5	Check the spare wheel fixing bracket (or similar securing device) to ensure that the wheel is properly secured in the correct position.	5. Failure to satisfactorily secure the spare wheel.	
4.6	Check the rims of all wheels for any signs of distortion or damage.	6. A damaged or distorted wheel rim.	



## 5. BOOT/LUGGAGE COMPARTMENT

<u>METHOD OF INSPECTION</u>	<u>REASONS FOR FAILURE</u>	<u>NOTES</u>
5.1 Examine for evidence of damage, corrosion or water penetration.	1. Damage or corrosion to the floor inner wing panels or lid.	
5.2 Examine floor covering to ensure that it is in good condition and offers adequate protection to luggage stored.	2. Excessive wear, damage or staining to floor covering.	
5.3 Examine the interior for accumulations of dirt, dust, grease, litter etc. or staining of any surface with which luggage may come into contact.	3. Accumulations of dirt, grease, rubbish etc. which could soil or damage luggage stored therein.	
5.4 Check for the presence of containers of any flammable or corrosive material (e.g. oil, petrol).	4. Containers for the storage of oil, petrol or any flammable or corrosive material shall not be carried in the vehicle.	These materials are a fire hazard. They may also contaminate passengers luggage, taint food etc.
5.5 Ensure that all interior panels are in position, covering electrical wiring and associated fittings.	5. Panels insecure or missing.	

Note: properly secured jack, first aid kit, fire extinguisher and wheelchair ramps (where applicable) may be carried in the luggage compartment.

## 6. ENGINE COMPARTMENT/TRANSMISSION/MOUNTINGS

<u>METHOD OF INSPECTION</u>	<u>REASONS FOR FAILURE</u>	<u>NOTES</u>
6.1 Carry out a visual inspection of the engine compartment for signs of oil or fuel leaks.	1. Any fuel leakage. 2. Any oil leakage where oil contamination is apparent over parts of the engine or underside of the vehicle or where oil is seen to be dripping from the vehicle.	Inspection to be carried out from both above and below the vehicle.
6.2 Ensure that the battery is properly secured in position.	3. Insecure battery.	
6.3 Examine all rubber/plastic hoses for signs of wear or deterioration.	4. Significantly worn or deteriorated hoses.	
6.4 Check the fan belt for signs of incorrect adjustment and/or deterioration.	5. An incorrectly adjusted or deteriorated fan belt.	
6.5 Examine the engine mountings for signs of deterioration.	6. Insecure or deteriorated engine mountings.	
6.6 Ensure that the radiator is properly secured to the vehicle and check for signs of any leaks.	7. A leaking or inadequately secured radiator.	
6.7 Examine the inner wing panels and suspension mounting tops for evidence of corrosion (see Notes).	8. Corrosion to the inner wing panels and suspension mounting tops.	This should include any corrosion around headlamp mountings.
6.8 Check the master cylinders for any signs of spillage or leakage of fluid.	9. Leaking master cylinders.	
6.9 Check the clutch mechanisms for correct operation.	10. Fluid leakage or mechanical component wear in the clutch mechanisms.	

6.10 Check the operation of the bonnet release catch.

11. Defective bonnet release catch/mechanism.

## 7. INTERIOR OF VEHICLE

### METHOD OF INSPECTION

### REASONS FOR FAILURE

### NOTES

7.1	Examine the floor and upholstery inside the vehicle for accumulations of dust, dirt, litter, general debris, cigarette ash, staining or excessive wear.	1. A vehicle which is in a dirty condition with accumulations of dust, litter, debris etc. or staining to the carpets or upholstery.	Vehicle will be failed if cushion/backrests, upholstery, carpeting or matting is collapsed, holed, split, temporarily repaired, dirty or stained.
7.2	Check that there are no excessive unpleasant odours noticeable inside the vehicle.	2. Unacceptable smells of vomit, food or other contaminants.	
7.3	Remove any mats from the floor and examine the carpeting for signs of leakage of water into the vehicle.	3. Evidence of leakage of water into the vehicle from rainwater penetration or leaking cooling/heating system.	
7.4	Examine any mats provided to ensure that they are not worn or damaged.		Correctly fitted seat covers will be acceptable.
7.5	Sit in each of the passenger seats within the vehicle to ensure that all seat cushions and back rests are in a good condition and offer proper support to passengers and the driver.		
7.6	Examine all seats to ensure that they are properly secured to the vehicle; with a fixed rear seat ensure that the seat cushion is not loose.	4. Seats which are not adequately secured to the vehicle.	

- |      |   |     |   |
|------|---|-----|---|
| 7.7. | Check the operation of the interior light within the vehicle, both the manual switch and the door operated switches.  | 5.  | Faulty interior light fitting. Faulty interior light switch. Faulty interior light door switches. |
| 7.8  | Examine the interior rear view mirror and ensure that it is securely fixed.   | 6.  | A loose, damaged or missing rear view mirror.   |
| 7.9  | Check the operation of the heater/windscreen demister to ensure that it is in satisfactory working order.             | 7.  | Defective heater/windscreen demister.   |
| 7.10 | Examine the clutch and brake pedal rubbers for signs of excessive wear.   | 8.  | Worn or missing brake and/or clutch pedal rubbers.  |
| 7.11 | Check the operation of all window winders ensuring that they allow all windows to be fully lowered and raised easily. | 9.  | Window winders that do not allow windows to be easily lowered or raised.                          |
| 7.12 | Check the operation of all door release catches to ensure that doors can be opened easily from within the vehicle.    | 10. | Defective interior door release catches.  |
| 7.13 | Ensure that child proof locks (if fitted) to rear doors are in working order.   | 11. | Defective child proof locks.  |

7.14 Check that any ash trays provided for the vehicle are intact and capable of being used. (Where ashtrays have been removed they should be blanked off).

7.15 If a metal grille is fitted, check to ensure that there are no sharp or exposed parts which could cause injury to a passenger or driver.

7.16 Check that estate cars are fitted with a luggage guard.

12. Unserviceable ash trays or ashtrays that have not been blanked off where removed.

13. Loose or incorrectly fitted grille or exposed parts which could cause injury.

14. Luggage guard not fitted or ineffective.

The fitting of a metal grille is compulsory.

## 8. FIRST AID KIT

### METHOD OF INSPECTION

8.1 Ensure that a first aid kit is provided within the vehicle. Examine the kit to ensure that the contents conform to the requirements laid down in the Council's specification (see Notes).

### REASONS FOR FAILURE

1. Failure to provide a first aid kit, or a kit which does not conform to the Council's specification.

A first aid kit which is sited in a position which is not conspicuous or readily accessible to the passengers and where there is no legible sign displayed on the dashboard indicating the location of the kit.

### NOTES

The Health and Safety (First Aid) Regulations 1981 Specification for travelling first aid kits is:

The Council's specification for first aid kits states that each kit should contain the following:

<u>Item</u>	<u>Quantity</u>
(a) serviceable box, roll, satchel or other suitable container in which to carry first aid items;	1
(b) basic instruction card covering Expired Air Respiration, External Cardiac Compression, Treatment of Shock, Recovery Position and Treatment for Bleeding Control;	1
(c) triangular bandages;	1
(d) No. 16 eye dressing;	1
(e) No. 9 large dressing;	3
(f) No. 8 medium dressings;	3
(g) No. 7 small finger dressings;	3
(h) safety pins;	assorted
(i) individual adhesive plasters;	assorted
(j) 10 cms x 10 cms Melolin;	6
(k) roll of surgical tape (such as Micropore);	1
(l) blunt ended scissors.	1 pair

## 8. FIRST AID KIT cont'd

### METHOD OF INSPECTION

8.2 Ensure that the first aid kit is correctly sited (see Notes).

8.3 See that the first aid kit is permanently legibly marked with the registration number of the vehicle being tested.

### REASONS FOR FAILURE

2. A first aid kit which is not permanently legibly marked with the registration number of the vehicle.

### NOTES

The first aid kit should be sited in the front centre of the vehicle or in the front passenger compartment and should be visible from the front and rear seats of the vehicle. In certain circumstances where, because of the design of the vehicle, the kit cannot be sited in the above stated positions, a clearly legible sign should be affixed to the dashboard stating the position of the first aid kit.



## 9. FIRE EXTINGUISHERS

### METHOD OF INSPECTION

### REASONS FOR FAILURE

### NOTES

9.1 Ensure that the fire extinguisher provided is either a 1 litre. A.F.F.F. foam extinguisher or a 1.0 Kg dry powder extinguisher of a stored pressure type and marked to current British Standard BS 5306 - 1997.

1. Failure to provide a fire extinguisher, or a fire extinguisher of the stated type, within the vehicle.

Nottinghamshire Fire and Rescue Service recommend either a 1 litre A.F.F.F. foam extinguisher or 1 kg dry powder extinguisher of a stored pressure type.

9.2 See that the fire extinguisher is sited in a conspicuous and easily accessible position within the vehicle.

2. A fire extinguisher which is not in a conspicuous and readily accessible position within the vehicle.

9.3 Examine the fire extinguisher to ensure that it is within the test date and that the seal is not broken. Where a pressure gauge is fitted ensure that the extinguisher is at the correct pressure.

3. A fire extinguisher which has a broken seal.

9.4 Examine the fire extinguisher mounting to see that it is sufficiently well secured to the vehicle to prevent it becoming dislodged by normal use of the vehicle.

4. A fire extinguisher which is not securely fixed within the vehicle.

A fire extinguisher may be secured in the boot area provided a sign to the effect is displayed prominently and legibly inside the vehicle.

9.5 Check whether the fire extinguisher is permanently legibly marked with the registration number of the vehicle.

5. A fire extinguisher which is not permanently, and legibly marked with the registration number of the vehicle.

9.5.B. Stored pressure type fire extinguishers should be introduced as existing old fire extinguishers are replaced; therefore fire extinguishers within date and which are sealed will be acceptable until they require replacement.

**10. ROAD TEST (All vehicles will undergo a road test)**

<b><u>METHOD OF INSPECTION</u></b>	<b><u>REASONS FOR FAILURE</u></b>	<b><u>NOTES</u></b>
10.1 Check for any vibrations through the steering column or transmission.	1. Any unreasonable vibration through the steering column or transmission.	
10.2 Check that the steering is true and positive and does not 'pull' to the nearside or offside.	2. Steering which pulls to the nearside or offside or which is not positive.	
10.3 Check that the operation of the footbrake does not cause the vehicle to judder, or to pull the vehicle to the nearside or offside.	3. Juddering or pulling to nearside/offside when the footbrake is applied.	
10.4 Listen for any unusual noise from the engine and transmission.	4. Unacceptable engine or transmission noise.	
10.5 Check the clutch for correct operation.	5. A clutch which fails to give proper clearance or slips in operation.	
10.6 Check the operation of the gear lever for signs of wear in the mechanism.	6. Evidence of wear in gear lever mechanism.	
10.7 Observe the vehicle exhaust emission for evidence of excessive smoke.	7. Excessive smoke emission.	
10.8 Observe the performance of the engine during the road test for signs of any misfiring, lack of engine power etc, or any indication that the engine is not functioning in the correct manner.	8. Any evidence that there is a problem affecting the performance or reliability of the vehicle.	

- 10.9 Check the operation of the speedometer.
  - 10.10 Report any other matters which affect the fitness of the vehicle for use as a hackney carriage or private hire vehicle.
- 9. Speedometer inoperative or defective.

## 11. METERS

### METHOD OF INSPECTION

### REASONS FOR FAILURE

### NOTES

11.1 Ensure that the meter is sited in a position where it can be clearly seen from all passenger seats within the vehicle or in accordance with the Authority's licence conditions.

1. Absence of a meter, or a meter which is not suitably sited within the vehicle.

Private hire vehicles are not required to have a meter fitted within the vehicle. When fitted to a private hire vehicle, a meter must comply with the specifications as set out in this sheet.

11.2 Examine the meter mounting to ensure that it is satisfactorily secured within the vehicle.

2. A meter which is not adequately secured within the vehicle.

11.3 Check the meter to ensure that the figures indicating the fare are illuminated.

3. Lack of adequate illumination to the meter display.

11.4 Ensure that the meter is correctly calibrated and sealed in accordance with the agreed table of fares (see Notes).

4. An incorrectly calibrated meter.

5. An unsealed meter.

The calibration test should be carried out by test driving the vehicle over the agreed measured distance and ensuring that the appropriate fare displayed corresponds to the distance covered. Check all tariff rates.

11.5 Check that a table of fares (in the format laid down by the Council), is displayed in the vehicle in a position where it can be clearly seen by passengers in the front and rear of the vehicle.

6. Failure to display a table of fares in a conspicuous position within the vehicle.

Private hire vehicles with a meter should be tested using the tariff set by the private hire operator and the private hire operator's tariff card should be displayed in the vehicle.

## **Appendix Seventeen**

### **CCTV Apparatus in Hackney Carriages and Private Hire Vehicles.**

1. Where any hackney carriage, private hire vehicle or ambulance vehicle is licensed by the Council and is fitted with any form of CCTV system or other system for taking images of the inside of the vehicle, then that system must comply with the following requirements.
2. The system must have, as its power source, the vehicle's own electrical system, although independent back up batteries may be fitted. Such back up batteries may only be used as the power source when the main electrical system is not available.
3. All recordings made by the system must be made on a recorder that is not contained within the camera producing the images. The recorder should be in a part of the vehicle to which passengers do not normally have access and must in any event be securely attached to the body or framework of the vehicle.
4. Recordings by the system shall not be made on any form of media that can be removed by the driver, proprietor owner or operator of the vehicle. Recordings shall only be accessible to a police constable or an officer of the Council or, at the request of such a constable or officer, by the manufacturer of the system or an agent authorised by the manufacturer. Breach of this condition will be referred to the General Purposes Committee on the first occasion
5. The system must operate in one of the following ways:
  - a) Constantly recording images whilst the vehicle's electrical system is switched on.
  - b) Automatically recording images at the start and finish of a hiring as defined by the operator of the vehicle in consultation with the Council with an override facility at any time during the hiring.
6. All recordings must be of evidential quality showing the date and time of recording. The system should retain images for a period of 28 days.
7. Any use of images recorded by the system for any purpose not approved by the police or the Council shall be considered a serious breach of the licensing conditions and be referred to the General Purposes Committee.
8. Any vehicle fitted with CCTV shall display prominent notices stating that CCTV is in use in the vehicle.

**NOTE**

This guidance only relates to CCTV inside vehicles. Further guidance on the use of dashcams can be found on the ICO website

<https://ico.org.uk/for-organisations/guide-to-data-protection/cctv/>

<https://ico.org.uk/for-the-public/cctv-on-your-property/>

**Appendix Eighteen**

**TAXI RANKS**

Taxi ranks and their locations in Newark and Sherwood district

<b>TIME</b>	<b>LOCATION</b>
24 HOURS	MIDDLE GATE, NEWARK
08:00 to 18:00	KIRK GATE, NEWARK
20:00 to 06:00 (UNDER REVIEW)	CASTLE GATE, NEWARK
24 HOURS	LINCOLN STREET (RAILWAY STATION), NEWARK
24 HOURS	SHERWOOD DRIVE, OLLERTON

## **Appendix Nineteen**

### **PENALTY POINTS SCHEME**

#### **1.0 The details of how the scheme will be operated are as follows:**

- 1.1 The Licensing Enforcement Policy will be fully considered by an authorised officer when determining the manner on which any breach of legislation or the requirements of this Policy are dealt with.
- 1.2 The penalty points scheme will operate without prejudice to the Licensing Authority's ability to take other action under appropriate legislation or as provided for by this policy.
- 1.3 The penalty points scheme outlined in Schedule A identifies a number of breaches of conditions, byelaws and/or statutory provisions. It then indicates the number of points to be invoked should the breach be proven and by whom.

#### **2.0 Imposition of Points**

- 2.1 Where it is decided that the use of the penalty points scheme is appropriate, the points will be issued in accordance with Schedule A to this appendix.
- 2.2 The imposition of penalty points against a driver who is an employee will not necessarily result in the additional imposition of points to his/her employer or operator. However the Licensing Authority will issue penalty points to drivers, proprietors, driver/proprietors and operators for a single contravention if the circumstances warrant it, i.e. the breach is one against all these licences and it is considered that joint responsibility is held.
- 2.3 Points issued to a proprietor, operator or driver will be confirmed in writing within three weeks of the completion of enquiries into the contravention or upon discovery of breach.
- 2.4 Points will be imposed on licences by either the Licensing Officer or by the General Purposes Sub-Committee. The imposition shall be in accordance with Schedule A to this Appendix.
- 2.5 There is no financial penalty associated with the penalty points scheme and the licence holder may continue to work. However, the licence holder may be asked to attend a hearing before the General Purposes Sub-Committee if 12 or more penalty points are imposed on an individual licence and are still valid, where appropriate action will be taken in accordance with this policy.



### **3.0 Duration of Points**

- 3.1 When issued, the penalty points will remain “live” for the period specified in Schedule A to this Appendix. They will remain on the licence for consideration from the date they are imposed for the specified period indicated in Schedule A.

### **4.0 The Hearing**

- 4.1 Where a driver, proprietor or operator attains 12 penalty points, disciplinary options available to the Licensing Authority will include suspension or revocation of the driver’s licence.
- 4.2 If it is felt that the matter does not warrant suspension or revocation of the licence, a written warning may be issued to the driver as to his/ her future conduct.
- 4.3 Periods of suspension of a licence will be dependent on the nature of the breach of legislation or the requirements of this policy and the compliance history of the licence holder.
- 4.4 A driver will always have the right to be represented at any meeting, either legally or otherwise, and to state any mitigating circumstances he/ she deems necessary.

### **5. Appeals**

- 5.1 Should a driver, operator or proprietor wish to dispute the imposition of points made by an officer, then they have the right to appeal. Appeals will be made to the Business Manager, Licensing and Enforcement, who may remove the points, uphold the points or increase the points where they deem it appropriate, subject to the maximum points identified in Schedule A.
- 5.2 Any driver or vehicle proprietor or operator subject to suspension or revocation has the right of appeal to the Magistrates Court against the suspension or revocation. In most cases a suspension will be subject to a 21 day appeal period starting on the date of the suspension notice to allow for the formal appeal process. There may be occasions when immediate suspension is required e.g. danger to the public.

## Schedule A to Appendix Nineteen - Penalty Points Tariff

### 1.1 Legislative offences and penalties

The two statutes which principally create offences relating to hackney carriages and private hire vehicles are (i) The Town Police Clauses Act 1847; and (ii) The Local Government (Miscellaneous Provisions) Act 1976. Offences may also be committed under other legislation, byelaws or conditions.

1.2 The offences which are set out below under the relevant statute state the number of points and the length of time that the points will remain on the licence. Where there is an option to attach more points, licensing officers will only be permitted to attach the minimum number of points. Where the licensing officer determines that the offence is of a more serious nature, the awarding of any points or action will be determined by the General Purposes Sub-Committee, who on hearing the case may attach points between the minimum and maximum, should the case be found.

1.3 When an application or licence is determined by the General Purposes Sub-Committee, the points attached to a licence will be taken into consideration. In such cases the hearing will consider all relevant information and will determine the review in accordance with the relevant legislative framework. Points attached to a licence will not be the reason for refusal, suspension or revocation.

1.4 The Licensing Authority reserves the right to take all appropriate action as is deemed necessary. The attachment of points to a licence in no way prejudices the Licensing Authority's right to prosecute an offender should it be deemed in the public interest to do so.

1.5 A list of the offences, penalty points and the relevant period that points remain on the licence are in accordance with the following tables:

Table 1

## TOWN AND POLICE CLAUSES ACT 1847

List No.	Imposition of points by LO or Ctte	Section and Offence	Penalty Points or Action	Period Points Remain on the Licence	Operator	Proprietor	Driver
1	LO Ctte	S40 - Giving false information on a hackney carriage licence application.	6-12*	3 Years		X	
2	LO	S44 - Failure to notify change of address on a hackney carriage licence.	2	1 Year		X	
3	Ctte	S45 - Plying for hire without a hackney carriage licence.	12	5 Years		X	X
4	Ctte	S47 - Driving a hackney carriage without a hackney carriage driver's licence.	12	5 Years		X	X
5	Ctte	S47 - Lending or parting with a hackney carriage driver's licence.	12	3 Years			X
6	Ctte	S47 - Hackney carriage proprietor permitting or employing an unlicensed driver to drive a hackney carriage vehicle.	12	5 Years		X	
7	LO	S48 - Failure of a proprietor to retain in his/her possession copies of any hackney carriage driver's licence that permits them to drive their vehicle.	3	1 Year		X	
8	LO	S48 - Failure of a proprietor to produce on request by an authorised officer the hackney carriage licence of any driver he/she has permitted to drive his/her vehicle.	3	1 Year		X	
9	LO	S52 - Failure to display a hackney carriage plate.	4	3 Years		X	X
10	LO Ctte	S53 - Refusal to take a fare without a reasonable excuse.	8-12*	5 Years			X
11	LO Ctte	S54 - Charging more than the agreed fare.	8	5 Years			X
12	LO Ctte	S55 - Obtaining more than the legal fare (including failure to refund).	8	5 Years			X
13	LO Ctte	S56 - Travelling less than the lawful distance for an agreed fare.	6	5 Years			X
14	Ctte	S57 - Failure to wait after a deposit to wait has been paid.	12	3 Years			X

15	LO Ctte	S58 - Charging more than the legal fare.	8-12*	5 Years			X
16	LO	S59 - Carrying persons other than with the consent of the hirer.	6	3 Years			X
17	Ctte	S60 - Driving a hackney carriage without the proprietor's consent.	12	5 Years			X
18	Ctte	S60 - Allowing a person to drive a hackney carriage without the proprietor's consent.	12	5 Years			X
19	LO	S62 - Driver leaving a hackney carriage unattended.	2	1 Year			X
20	LO	S64 - Hackney carriage driver obstructing other hackney carriages.	2	1 Year			X
21	LO Ctte	S68 – Breach of Byelaws	3-6*	3 Years			X

Local Government (Miscellaneous Provisions) Act 1976								Table 2
List No.	Imposition of points by LO or Ctte	Section and Offence	Penalty Points or Action	Period Points Remain on the Licence	Operator	Proprietor	Driver	
22	Ctte	S46(1)(a) - A licensed driver using an unlicensed vehicle for private hire purposes.	12	5 Years	X		X	
23	Ctte	S46(1)(b) - Driving a private hire vehicle without a private hire driver's licence.	12	5 Years	X		X	
24	Ctte	S46(1)(c) - Proprietor of a private hire vehicle permitting or employing an unlicensed driver to drive a private hire vehicle.	8-12*	5 Years	X			
25	LO Ctte	S46(1)(d) - Operating a private hire vehicle without a private hire operators' licence.	8-12*	5 Years	X		X	
26	Ctte	S46(1)(e) - Operating an unlicensed vehicle as a private hire vehicle.	12	5 Years	X		X	
27	Ctte	S46(1)(e) - Operating a private hire vehicle when the driver is not licensed as a private hire driver.	12	5 Years	X		X	
28	LO	S48(6) - Failure to display a private hire vehicle plate.	4	1 Year	X		X	
29	LO	S49 - Failure to notify the transfer of a vehicle licence.	3	1 Year	X		X	
30	LO	S50(1) - Failure to present a hackney carriage or private hire vehicle for inspection upon request.	6	3 Years	X	X		
31	LO	S50(2) - Failure to inform the Licensing Authority where a hackney carriage or private hire vehicle is stored, if requested.	3	1 Year	X	X		
32	LO	S50(3) - Failure to report an accident to the Licensing Authority within 72 hours.	6	3 Years	X	X	X	
33	LO	S50(4) - Failure to produce the vehicle and/or insurance upon request.	6	3 Years	X	X	X	
34	LO	S53(3) - Failure to produce a driver's licence upon request.	6	3 Years			X	

35	LO	S54(2) - Failure to wear a private hire driver's badge.	3-6*	3 Years			X
36	LO Ctte	S56(2) - Failure of a private hire operator to keep proper records of all bookings, or failure to produce them upon request of an authorised officer of the Licensing Authority or a police officer within reasonable time/ or time specified.	3-8*	3 Years	X		
37	LO Ctte	S56(3) - Failure of a private hire operator to keep proper records of all private hire vehicle licences and driver licences, or failure to produce them on request of an authorised officer of the Licensing Authority or a police officer within reasonable time/ or time specified.	3-8*	3 Years	X		
38	LO	S56(4) - Failure of a private hire operator to produce his licence upon request.	4	1 Year	X		
39	Ctte	S57 - Making a false statement or withholding information to obtain a hackney carriage/private hire driver's licence.	12	5 Years			X
40	Ctte	S58(2) - Failure to return a plate after notice has been given following expiry, revocation, or suspension of a hackney carriage or private hire vehicle licence.	6-12*	5 Years	X	X	
41	Ctte	S61(2) - Failure to surrender a driver's licence or badge on or after suspension, revocation, or refusal to renew.	6-12*	5 Years			X
42	LO Ctte	S64 - Permitting a private hire vehicle to wait on a hackney carriage rank.	6-12*	5 Years	X		X
43	LO Ctte	S66 - Hackney carriage charging more than the meter fare for a journey ending outside the district, without prior agreement.	8	3 Years			X
44	LO Ctte	S67 - Hackney carriage charging more than the meter fare when a hackney carriage is used as a pre-booked vehicle.	8	3 Years		X	X
45	LO Ctte	S69 - Unnecessarily prolonging a journey.	8	3 Years			X

46	Ctte	S71 - Interfering with a private hire taxi- meter with intent to mislead.	12	5 Years	X		X
47	Ctte	S73(1)(a) - Obstruction of an authorised officer of the Licensing Authority or a police officer.	6-12*	5 Years	X	X	X
48	LO LCtte	S73(1)(b) - Failure to comply with a requirement of an authorised officer of the Licensing Authority or a police officer.	3-12*	5 Years	X	X	X
49	LO Ctte	S73(1)(c) - Failure to give information or assistance to an authorised officer of the Licensing Authority or police officer.	3-12*	5 Years	X	X	X

<b>Table 3</b>							
<b>LICENSING AUTHORITY POLICY</b>							
<b>List No.</b>	<b>Imposition of points by LO or LCtte</b>	<b>Section and Offence</b>	<b>Penalty Points or Action</b>	<b>Period Points Remain on the Licence</b>	<b>Operator</b>	<b>Proprietor</b>	<b>Driver</b>
50	Ctte	Failure to ensure the safety of passengers.	12	5 Years	X	X	X
51	LO Ctte	Concealing or defacing a vehicle licence plate.	6	3 Years	X	X	X
52	LO	Failure to attend on time for a pre-arranged appointment at the request of the Licensing Authority for interview without reasonable cause.	2	1 Year	X	X	X
53	LO Ctte	Conveying a greater number of passengers than permitted.	6-12*	5 Years	X	X	X
54	LO	Failure to give reasonable assistance with passenger's luggage.	2	1 Year			X
55	LO Ctte	Private hire soliciting for hire or accepting a fare that is not pre-booked.	6	3 Years			
56	LO	Operating/using a vehicle that is not clean and tidy internally or externally.	2	1 Year	X	X	X
57	LO Ctte	Operating/using a vehicle that is not in a safe condition internally or externally.	6-12*	5 Years	X	X	X
58	Ctte	Driving without the consent of the proprietor.	12	5 Years		X	X
59	LO	Drinking or eating in the vehicle.	2	1 Year			X
60	LO	Smoking in the vehicle at any time.	4-8*	3 Years			X
61	LO	Causing excessive noise from any radio or sound-reproducing equipment.	2	1 Year			X
62	LO	Sounding the horn to signal that the vehicle has arrived, disturbing residents	2	1 Year			X
63	LO	Allowing a private hire vehicle to stand in such a position as to suggest that it is plying for hire or using a hackney carriage stand.	6	3 Years	X		X



64	LO	Allowing a hackney carriage vehicle to stand in a position, not being a hackney carriage stand, to suggest that it is plying for hire.	6	3 Years		X	X
65	LO Ctte	Using a non-hands free mobile telephone whilst driving/engine running.	3-12*	5 Years			X
66	Ctte	Failure to advise of a relevant medical condition.	12	5 Years			X
67	LO	Failure to provide a receipt for a fare when requested.	2	1 Year			X
68	LO Ctte	Failure to operate the meter from the commencement of the journey and /or charging more than the fixed charge for hire of a hackney carriage.	8-12*	5 Years			X
69	LO	Failure to notify the Licensing Authority of relevant change to licence details within the time specified in the associated licence conditions.	2	1 Year	X	X	X
70	LO	Failure to produce a hackney carriage or private hire licence upon request.	3	1 Year	X	X	X
71	LO	Failure to show a private hire driver's licence to the private hire operator at the commencement of employment.	2	1 Year			X
72	LO	Failure of a private hire operator to request and keep copies of licences for all taxi drivers in his/her employ at the beginning of employment.	2	1 Year	X		
73	Ctte	Failure of a licence holder to disclose convictions within seven days of conviction.	12	5 Years	X	X	X
74	LO	Failure to search a vehicle after a journey or failure to take found property to the police within 48 hours of finding.	3	3 Years			X
75	LO	Failure to report an accident within 72 hours.	6	3 Years			X
76	LO	Failure to comply with requirements for the safe carrying of a wheelchair	6	3 Years	X		X

77	LO Ctte	Operating a vehicle that does not comply with the Licensing Authority's licensing policy or relevant legislation where such a breach of policy/legislation is not otherwise specified therein.	3-12*	5 Years	X		
78	LO	Failure to carry an approved fire extinguisher.	2	1 Year	X	X	X
79	LO Ctte	Modifying a licensed vehicle without the consent of the Licensing Authority.	6-12*	5 Years			X
80	LO	Failure to display or maintain external plates as issued by the Licensing Authority or displaying them incorrectly e.g. in the window of a vehicle.	4	3 Years	X	X	X
81	LO	Affixing or displaying a roof sign on a private hire vehicle.	4	3 Years	X	X	
82	LO	Displaying a sign or advertisement on a licensed vehicle that does not satisfy the policy requirements or has not been approved by the Licensing Authority.	4	3 Years	X	X	X
83	LO	Using a taxi-meter that does not conform to Licensing Authority requirements.	6	3 Years	X		
84	Ctte	Driving with no insurance or inadequate insurance for the vehicle.	12	5 Years	X	X	X
85	Ctte	Permitting the vehicle to be used for any illegal or immoral purposes.	12	5 Years	X	X	X
86	LO	Failure of a private hire operator to ensure that office staff act in a civil and courteous manner at all times.	2	1 Year	X	X	
87	LO	Failure of a private hire operator to keep the operating premises in accordance with Licensing Authority requirements.	3	1 Year	X		
88	Ctte	Failure of a private hire operator to ensure that all vehicles operated by him/her are adequately insured.	12	5 Years	X		
89	LO Ctte	Failure of a private hire operator to obtain public liability insurance for the operating premises if the public is allowed access.	6	3 Years	X		

90	LO	Driving or allowing a hackney carriage vehicle to be driven with tinted windows which do not conform to licence conditions.	2	1 Year		X	X
91	LO	Driving or allowing a hackney carriage or private hire vehicle to be driven without displaying the roundels or attaching the signs other than in accordance with the Council's policy.	2	1 Year	X	X	X

## GENERAL PURPOSES COMMITTEE

11 MARCH 2021

### NATIONAL DATABASE OF REFUSED AND REVOKED LICENCES

#### **1.0 Purpose of Report**

1.1 To update Members on the implementation and use of the national register of refused and revoked licences for Hackney Carriage & Private Hire Drivers.

#### **2.0 Background**

2.1 The concern amongst many licensing authorities has been the lack of ability to obtain reliable information with regard to the past licensing history of applicants for a Hackney Carriage or Private Hire Drivers Licence. There is the potential for individuals that have had a licence revoked or refused by another local authority to obtain a licence from another authority without the issuing authority ever being aware of the applicants licence history.

2.3 The Local Government Association have been supportive of a national register where details of refused or revoked licences can be held and used by local authorities to check new applicants against the register.

2.4 The LGA have commissioned the National Anti-Fraud Network (NAFN) to develop and host the register. NAFN is a shared service, hosted by Tameside Council, which supports public authorities to tackle fraud and share intelligence. NAFN has worked with the LGA and a user group comprised of licensing officers from a number of local authorities to develop the register.

2.5 To access the register authorities are required to be members of NAFN, around 90 per cent of local authorities are already members and will be able to access the register at no additional cost. For non-members, membership of NAFN costs £1,050/ year. Newark & Sherwood are members of NAFN via the Revenues & Benefits Business Unit. The register is known as NR3.

2.6 NR3 has been commissioned by the LGA as a voluntary register. Licensing authorities will be responsible for adding basic details of drivers who have had applications for a licence either refused, revoked or suspended.

2.7 Members will have noted that the use of the NR3 has been promoted as part of the Department of Transport new statutory guidance for Taxi & Private Hire Vehicle Standards.

#### **3.0 Implementation**

3.1 All current licensed Hackney Carriage & Private Hire Drivers have been written to by the licensing authority to inform them that their details will be checked against the NR3 register to confirm that there is no record of them having being revoked or refused elsewhere and that if the circumstances arise and their licences are revoked, their details shall be uploaded on to the database.

- 3.2 New drivers have been made aware of the register and that their personal details will be checked against the NR3 register and that if any time their licence is revoked or renewal refused their details will be placed on the register.
- 3.3 The Hackney Carriage & Private Hire Driver application form and website has been amended to include information regarding the NR3. As well as the Taxi Policy which is awaiting committee approval.
- 3.4 In order to comply with data protection issues, the licensing authority has written to drivers that have revoked licences and informed them that their data will be uploaded to the NR3 register after a period of 28 days.
- 3.5 The licensing authority has written to 11 drivers who have had their licences revoked by this authority. One of these drivers made a representation regarding being included on the register and advice was sought from the Information Governance Officer and as a result it was agreed that this driver would not be included on the register.
- 3.6 The remaining 10 drivers' details were sent through to NAFN for uploading on the NR3 database.
- 3.7 NAFN were able to upload the details of 5 out of the 10 historic drivers. The reason that 5 of these details cannot be added is because the licensing authority were unable to provide driving licence numbers and date of births for these 5 drivers.

#### **4.0 Equalities Implication**

- 4.1 There are no equalities implications within the report.

#### **5.0 RECOMMENDATION**

**That the committee consider the contents of the report and identifies any issues it wishes to examine further**

#### Background Papers

Nil

For further information please contact Nicola Kellas on Ext 5894

Matthew Finch  
Director – Communities & Environment

## GENERAL PURPOSES COMMITTEE

11 MARCH 2021

### UPDATE ON PERFORMANCE AND ENFORCEMENT MATTERS

#### **1.0 Purpose of Report**

1.1 To inform the Committee of the activity and performance of the Licensing Team and to provide Members with details of current ongoing enforcement issues.

#### **2.0 Background**

2.1 A new applicant for a Hackney Carriage/Private Hire Drivers or Private Ambulance Drivers Licence have to undergo various checks. These include a: Disclosure and Barring check; DVLA check; two references are required; Group II medical; and knowledge & ability tests.

2.2 This report covers the period from 1 October to 31 December 2020 inclusive and sets out the range and number of licence applications during this period. It also highlights any activity required as a result of the applications.

<b>Application Type</b>	<b>New Applications Received</b>	<b>Renewal of Applications Received</b>	<b>Number Issued</b>	<b>Comments</b>
Hackney Carriage/ Private Hire Driver	0	15	15	
Ambulance Drivers	6	13	19	
Hackney Carriage Vehicles	2	24	26	
Private Hire Vehicles	1	7	8	
Private Ambulance Vehicle Licence	6	34	40	

#### **2.3 Street Collections**

The table below sets out the numbers of collections undertaken within the reporting period of 1 October to 31 December 2020 and the charities supported. The organisations undertaking the collections are required to complete a return that sets out the 80% of the collection that is returned to the charity.

<b>Charity</b>	<b>Location</b>	<b>Date</b>	<b>Total amount collected</b>	<b>% returned to charity</b>
Betel UK	Southwell	12.12.20	£864.19	100%
Southwell and District Lions Club	Southwell	19.12.20	£780.76	100%
Newark Round Table	Newark	20.12.20	Info to follow	

#### **2.4 House to House Collections**

The table below sets out the numbers of collections undertaken within the reporting period of 1 October to 31 December 2020 and the charities supported. The organisations undertaking the collections are required to complete a return that sets out the 80 % of the collection that is returned to the charity.

Charity	Date	Total Amount Collected	% Returned to Charity
Yorkshire Children's Trust	1-31 October 2020	£159.56	80%
Cancer Support UK	1 October to 14 December 2020	£46.13	100%
Children with Cancer UK	Whole Area - 30.10.2020	£44.16	85%
Yorkshire Children's Trust	1 to 30 November 2020	£126.96	80%
Just Helping Children Charity	4 November 2020	£161.60	100%
Edwinstowe & the Dukeries Lions Club	2 to 23 December 2020	£3581.99	91%
Rotary Club of Ravenshead and Blidworth	7-14 December 2020	£135.85	80%

## 2.5 Enforcement Issues

### **Hackney Carriage/Private Hire Ongoing Enforcement Activity between 1 October to 31 December 2020**

Location	Activity	Date Case Opened	Action Taken So Far
Northgate Railway Station	Complaint from a Z Cars driver that a NSDC driver was verbally abusive and threatening towards him when he was collecting a passenger from the station	01.10.20	The complainant withdrew the complaint soon after making it. LEO spoke to the offending driver who gave a different account. Driver was told that the complaint will not be pursued as it has been withdrawn, but has been recorded and will be taken into account should any further incidents occur.
Northgate Railway Station	Complainant was dropping off a passenger at the station when another driver approached and raised his middle finger at him	12.10.20	LEO spoke to the offending driver who denied that this happened. Advice given re expected standards of behaviour
	Driver reported that many of the station taxis were not displaying roundels on the vehicle	14.10.20	LEO has been giving out roundels over the past few months to those that need them

## 3.0 **RECOMMENDATION**

**That the Committee consider the contents of the report and identifies any issues it wishes to examine further.**

Background Papers – Nil

For further information please contact Nicola Kellas on extension 5894

Matt Finch  
Director – Communities & Environment