

Guidance & Statement of Policy

Licensing of Hackney Carriage & Private Hire Vehicles, Drivers and Operators

Guidance

Hackney Carriage and Private Hire Licensing - Reviewed November 2016

INTRODUCTION AND FOREWORD

The “Taxi” is an important part of both the public transport system, and infrastructure. They have, or will be, used by almost everyone during their lifetime.

Society generally takes this service for granted, and expects it to be provided without incident or concern. It is reasonable to expect that a reliable and efficient service is provided in a safe and secure manner. They can provide a vital service at unsociable hours, be a lifeline for those in rural areas, or crucial for people with mobility issues.

The majority of drivers, companies, and operators are hardworking, proud of the service they provide, and do not receive the credit they deserve. There are however, less scrupulous members of society who may see this as an opportunity to exploit people by for example, charging extortionate fares, or take advantage vulnerable adults, children, or unaccompanied females.

Public safety and confidence is paramount. It is a balancing act in terms of being robust in our checks and balances, while at the same time not burdening the taxi trade with unnecessary costs and procedures.

The Council does have an enforcement protocol in place. This will initially be in the form of encouraging compliance. However more serious issues can be escalated to Licensing Panel or to Court if considered serious enough. This is in line with the Councils overall enforcement approach.

The Council is supportive of, and will participate in partnership working with other agencies such as licensing authorities, DVSA, Police, other local authority services, and the trade for the purpose of ensuring public safety and compliance with this policy.

In summary, the purpose of this policy is to ensure:

- *That all applicants for a drivers or operators licence are a fit and proper person to hold such a licence, and continue to be so for the duration of that licence.*
- *The protection of the public in terms of their health, safety and confidence.*
- *The maintenance of a respectable and reliable trade.*
- *The public is provided with an efficient service.*

The Council believes that all applicants and holders of “taxi” licences should understand that the granting and holding of any such licence is a privilege not a right, and that with the grant of any such licence, they will abide by the terms of this Guidance and Statement of Policy.

The licensing of hackney carriage vehicles and drivers and private hire vehicles, drivers and operators is largely governed by the Town Police Clauses Act 1847, Part II of the Local Government (Miscellaneous Provisions) Act 1976 and the Transport Act 1985. The Council have also introduced various other conditions which can be found in full later in this document. In order to conduct a Hackney Carriage or Private Hire operation, the following licences are required:

	Do you drive for a taxi or private hire company?	Do you operate/drive your own vehicle?	Do you operate a private hire company?
Hackney Carriage	Hackney Carriage Drivers Licence	Hackney Carriage Vehicle Licence	N/A
Private Hire	Private Hire Drivers Licence	Private Hire Vehicle Licence	Private Hire Operators Licence

DRIVER LICENCES

The application

Applicants will make their application on the designated Sedgemoor driver application form, detailing whether they wish to apply for a hackney carriage driver's licence, a private hire driver's licence, or both. Applicants from countries outside the EU area shall be required to show evidence that they are entitled to work in the UK. Please refer to the authorities current scale of charges for the appropriate fee.

Drivers from outside the district

Applications from drivers living outside the Sedgemoor District would normally be refused, unless they can provide evidence that they intend to work "entirely or predominantly" here.

Minimum age for a driver

You must be a minimum 21 years old and have held a driving licence for at least 1 year.

Disclosure and Barring Service Check (DBS)

All new applicants and those renewing their licence are required to have an enhanced DBS criminal convictions check. The licence holder will be required to have a further enhanced DBS conviction check every 12 months throughout the period of their licence. Drivers will also be required to register for the online DBS service, and give consent for licensing to access their DBS records when appropriate for the purpose of verification checks. Anyone who has not lived in the UK for the last 5 years will be required to provide a certificate of good conduct.

If an applicant has 'relevant' convictions, the Licensing Panel will determine the application.

It is the Council's policy to deem an individual's conviction as "not relevant" if a) the conviction(s) would be deemed 'spent' under The Rehabilitation of Offenders Act, and b) sufficient time free of conviction has elapsed so there is no conflict with the advice given by the most recent Department of Transport and Home Office Circulars.

Irrespective of being 'spent' or adhering to the guidance contained in the circulars, conviction(s) for any sex offence will result in an automatic referral to Panel for determination.

A licence will not be granted to a person with a conviction for driving with excess alcohol in his/her blood until a period of 10 years has elapsed since the date of conviction. A licence will not be granted to a person with a conviction for drug related offences until a period of 3 years has elapsed since the date of conviction.

Driving Assessment

All new applicants are required to provide a pass certificate from a formal driving assessment with the Driver Vehicle Standards Agency (DVSA), or obtain an assessment from an organisation approved by the Licensing Unit. The cost for these assessments is to be paid by the driver.

Passport Photos

Two up to date certified photos to be provided with new and renewal applications.

Knowledge Test

New Hackney Driver applicants must pass a Knowledge Test. There are 3 sections which are:

- i) Driver conditions (25 Questions)
- ii) Locations in Sedgemoor and the surrounding areas (40 questions)
- iii) Road signs from the Highway Code (10 questions)

There is now only one test for the Sedgemoor District. The test is a combination of written and verbal answers. All sections must be passed in their own right. Failure of one section means failure of the complete test. If the test is failed, it can be taken again, but for each subsequent re-test there will be a fee until the knowledge test is passed. The pass marks are:

- i) Driver conditions (23 out of 25)
- ii) Locations (30 out of 40)
- iii) Road signs (7 out of 10)

Medical Examination

Applicants are required to take a medical examination to DVLA Group 2 standard. This must be undertaken by a Doctor / GP who has access to the individual's medical records. The completed medical will include a date specified by the GP as to when the applicant should next take a medical test. A renewal will be issued to the applicant shortly before it expires. The Authority does not contribute to the cost of the medical. Driving without a valid medical will lead to suspension or revocation of the licence. There is no maximum age limit for a driver. As long as a valid medical can be provided, a licence can be considered. Medicals in respect of PSV (Public Service Vehicles) will be accepted, but will only be valid for a maximum of 5 years from date of medical examiners signature, or earlier if specified on the report.

Driving Licence

New applicants are required to provide their driving licence card or the older style paper part if it was issued pre 1998. All motoring convictions must be declared. Convictions are now recorded online only. Applicants will also be required to sign an agreement giving consent for Sedgemoor District Council to verify their conviction history online through the secure DVLA website.

Educational Qualifications

New applicants are to provide evidence in terms of educational qualifications that they have basic literacy and numeracy skills. If this cannot be done, then the applicant will be required to sit a basic literacy and numeracy test. There is no charge for this test, however if it is failed, there will be a fee for each subsequent re-test. Wherever possible, the authority will aim to arrange this test to coincide with the applicant sitting their knowledge test.

Safeguarding of children and vulnerable adults

It will be a condition of a taxi driver's licence that the driver undergo safeguarding training or refresher training during the lifetime of their licence and a failure to undergo such training will be a reason for refusing the renewal of that licence.

Expiry of drivers Licences

All taxi drivers' licences will expire and be due for renewal on the 30th November at fixed three yearly intervals (2014, 2017, 2020, 2023 etc.), regardless of issue date. If the driver wishes to continue driving, they must complete a renewal application on the appropriate authority application.

Renewal of drivers licences and badges

With regard to renewal applications, the following items listed above are required

- i) The application and appropriate fee.
- ii) Passport Photos and current driving licence.

From November 2017, driver identification badges will be issued along with the licence. No new badges will be issued during the interim years of the licence, unless requested by the driver, for which there will normally be a fee.

Late renewal of drivers licences

If a renewal application is received after 30th November, unless there are exceptional circumstances, this will be classified as a break in the licence. The application will be treated as “new” rather than “renewal”. As a “new” application, this will require the applicant to take a knowledge Test, and a DVSA test if not already passed.

Declaration of criminal and motoring convictions

For new applicants, all criminal and motoring convictions, cautions and fixed penalties must be declared. This includes any matters that may still be the subject of an appeal. New applicants are also required to declare any pending convictions or matters under investigation.

For existing applicants, any subsequent convictions, cautions and fixed penalties must be declared within 7 days of the date of conviction. This includes any matters that are the subject of an appeal. Failure to do so would be a breach of driver conditions

Suspension and Revocation of Taxi Drivers' Licences

All relevant convictions received during the course of a licence will be considered by the Licensing Panel for a decision as to whether the individual remains a suitable person to hold a licence.

When a driver reaches 9 points on their DVLA driving licence, they will be formally interviewed by the licensing team regarding the offences, irrespective of whether the offences have been declared promptly. Depending on the information obtained at interview, they may be referred to the licensing panel to consider whether the individual remains a suitable person to hold a licence.

The authority may suspend, revoke or refuse to renew a driver's licence if, since the grant of the licence they have been convicted of an offence involving dishonesty, indecency or violence; or an offence under or has failed to comply with the provisions of the Town Police Clauses Act 1847 or Part II of this Act, or any other reasonable cause.

Licensing Officers to have delegated authority to immediately suspend any driver who fails to provide correct administrative documentation in support of their licence application or renewal (for example, up to date passport photos, valid medicals, DBS results, DVLA records etc.)

The Council will (within 14 days) give reasons in writing why they have suspended, revoked or refused to renew a licence to the driver, and shall demand the return of the badges and paper counterpart, that were issued upon the initial grant of the licence.

VEHICLE LICENCES

The application process

For both Hackney and Private Hire Vehicles, the application process is the same. Applicants should firstly read the conditions included in this policy document in order to understand the Councils requirements for vehicles.

If applicants are in doubt as to whether their vehicle is suitable they can contact the Licensing Team for advice. An opinion will be given as to whether the vehicle complies with Council Policy. Applicants have the right to apply in respect of any vehicle, and to appeal any refusal to the Licensing panel.

For new applications, any vehicle must be no more than 5 years old from the date of its first registration. New applications for vehicles over 5 years old will automatically be rejected and have to be dealt with by licensing panel on any appeal.

For new applications, firstly book a vehicle inspection at the Councils' Colley Lane Depot in Bridgwater on 01278 435387. If the vehicle passes, a blue pass certificate will be issued which will then form part of the application. In order to apply you will need to provide the following

- The application form with the appropriate fee. If the vehicle is jointly owned, all owners need to sign the form.
- A copy of a current certificate of insurance. The vehicle must be insured for taxi or private hire work
- A copy of a current MOT certificate. If a vehicle is over 1 year old it must be MOT'd.
- The vehicle registration document (new applications only)
- A copy of the blue pass certificate (new applications only)

Applications for vehicle licences last for 12 months. Upon renewal the documents required will be

- The application form with appropriate fee
- A copy of a current certificate of insurance
- A copy of a current MOT certificate

Inspections and MOT

Any Authorised Officer of the Council is empowered to inspect and test, for the purpose of ascertaining its fitness, any vehicle licensed by the Council. If they are not satisfied as to the fitness of a vehicle he may give notice in writing of the defects to the proprietor and require the vehicle to be made available for a further inspection. A licence may be suspended until the officer is satisfied of the condition of a vehicle. Annual inspections are to be undertaken by the Councils Vehicle Inspector, based at the Colley Lane Depot, Colley Lane, Bridgwater. All vehicles over one year old must have an MOT, rather than the standard initial three years.

Vehicle Plates

Sedgemoor District Council is the owner of any hackney carriage or private hire vehicle plates at all times. No proprietor may offer for sale such a plate unless the sale is for the whole licensed vehicle (in which case an application for the transfer of a vehicle licence must be made) – the plate in isolation may not be sold under any circumstances.

Licences and limitations

Where the Council receives a request for the replacement of a non-disabled adapted hackney licensed vehicle with another non-disabled adapted vehicle that meets the Council's criteria, a new licence shall be issued for such a vehicle only upon surrender or expiry of the old licence.

The number of non-adapted hackney vehicles that may be licensed at any one time is limited to 58, (as per the Licensing & General Purposes Committee - 7th October 2009). When non-disabled adaptable vehicle plates are either surrendered, or are not renewed by their expiry date, then they are removed from circulation. There is no limit to the total number of hackney and private hire vehicles in the Sedgemoor area.

Temporary Plates

When a vehicle is off the road, a temporary plate can be issued for a replacement vehicle through an insurance company. This is no fee for this service. However the following will apply

- The replacement vehicle will require a full inspection test at the Colley Lane depot.
- SDC licensing will retain the replacement vehicles original V5 log book.
- SDC licensing will return the V5 log book when the plates are returned.
- Disabled access vehicles (plates 59 onwards) cannot be temporarily replaced by a non-disabled access vehicle (for example a Ford Mondeo)
- There is no specific time limit that a temporary plate can be issued for. Each vehicle will be assessed on a case by case basis.

Transfer of ownership

If a proprietor transfers his interests, they must notify the council within 14 days of transfer, giving full details of the person to whom the vehicle has been transferred.

Certain Estate Car Types of Vehicle

Vehicles fitted with a third row of seats with no direct access other than via the row of seats in front will not be licensed as hackney carriages or private hire vehicles. The Council consider that passengers not familiar with such vehicles would not be able to achieve easy escape from the rear row of seats in an emergency situation. In case of doubt, proprietors are advised to contact the Licensing Officer before purchasing a vehicle.

Prestige Vehicles and Stretched Limousines

The Council will license Prestige Vehicles and Stretched Limousines for Private Hire only. Each case will be treated on its own merits. The Licensing Officer will decide if the vehicle is 'Prestige'. If the vehicle is judged to be "prestige" and passes the vehicle inspection, the Council's conditions in respect of age will not apply and the requirement to display a roof sign and private hire plates on the outside will be waived. In the case of limousines from the United States, provided all other requirements are met, the condition restricting to right-hand-drive vehicles will not apply.

CCTV in vehicles

Is not mandatory but is permitted on grounds of safety for both the driver and passenger. Systems will be purchased and installed entirely at the trade's expense and must comply with the following:

- CCTV signs to be clearly displayed in the vehicle.
- Images to be retained for a maximum 31 days. Footage to be securely stored and never downloaded to portable media devices, or shared via social media.
- Footage to be made available to police and licensing officers upon request. The subject of the footage is also entitled to view it.

Fixing of Hackney Carriage Fares

The Council set the maximum fares and charges to be paid in respect of the hire of hackney carriages. A driver may charge less than the maximum fare. At all times when the vehicle is in use as a hackney carriage, a current statement of fares which may be lawfully charged shall be displayed by fixing it to the interior of the vehicle, in such a position and manner that the letters and figures shall be plainly visible and legible to persons being carried therein. The procedure for fixing hackney carriage fares is amended to be as follows:

Following a reasonable request for a fare increase from a trade organisation, the Council shall consider the proposal. If approved, the Council shall publish in a local newspaper, a notice setting out the proposed table of fares and specifying a period (not less than fourteen days) within which objections to the proposed fares can be made;

If no objections are made, or they are all withdrawn, proposed fares will begin on a date set by the Council. If relevant objections are made and not withdrawn, the council shall hold a Hearing to consider them, and repeat the above procedure in respect of any further proposed increase.

Suspensions, Revocations and Appeals

A District Council may suspend, revoke or refuse to renew a vehicle licence on any of the following grounds:

- That the vehicle is unfit for use as a hackney carriage or private hire vehicle.
- Any offence under, or non compliance with, the provisions of the Town Police Clauses Act of 1847 or Local Government (Miscellaneous Provisions) Act 1976 by the operator or driver; or
- Any other reasonable cause.

The Council shall give notice of the grounds on which they have suspended, revoked or refused to renew a licence to the proprietor of the vehicle within fourteen days and shall require the return of the plate or disc issued upon the grant of the licence.

Appeals are to be made to a Magistrate's Court against:

- The Council's decision to refuse a new licence,
- Any condition imposed in a licence; or
- The suspension, revocation, or refusal to renew an existing licence.

PRIVATE HIRE OPERATORS

The principal issues for Operators Licenses, is the suitability of the person seeking a licence and ensuring the appropriate records are maintained as required. The Conditions stipulate the information which needs to be kept and made available for inspection.

The following must also be supplied with the application;

- licence fee
- Signed copy of the Conditions
- An enhanced DBS application (or a result certificate dated within 3 months of the application)