



Civic Centre,
Arnot Hill Park,
Arnold,
Nottinghamshire,
NG5 6LU

Agenda

Environment and Licensing Committee

Date: **Tuesday 17 January 2017**

Time: **4.15 pm**

Place: **Council Chamber**

For any further information please contact:

Lyndsey Parnell

Senior Elections and Members' Services Officer

0115 901 3910

Environment and Licensing Committee

Membership

Chair Councillor Marje Paling

Vice-Chair Councillor Nicki Brooks

Councillor Bruce Andrews
Councillor Sandra Barnes
Councillor Bob Collis
Councillor Gary Gregory
Councillor Barbara Miller
Councillor John Parr
Councillor Carol Pepper
Councillor Alex Scroggie
Councillor Jane Walker

AGENDA

Page

- 1 Apologies for Absence and Substitutions.**
- 2 To approve, as a correct record, the minutes of the meeting held on 6 December 2016** 5 - 6
- 3 Declaration of Interests.**
- 4 Immigration Act 2016** 7 - 56
Report of Director
- 5 Any other item which the Chair considers urgent.**

This page is intentionally left blank

MINUTES ENVIRONMENT AND LICENSING COMMITTEE

Tuesday 6 December 2016

Councillor Marje Paling (Chair)

Present: Councillor Nicki Brooks Councillor Barbara Miller
Councillor Sandra Barnes Councillor Carol Pepper
Councillor Bob Collis Councillor Alex Scroggie
Councillor Gary Gregory Councillor Jane Walker
Councillor Stephen Poole

Absent: Councillor Bruce Andrews and Councillor John Parr

Officers in Attendance: H Cash, L Mellors and S Steventon

42 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.

Councillor Poole attended the meeting as a substitute for Councillor Andrews, who had given his apologies.

43 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 11 OCTOBER 2016.

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record.

44 DECLARATION OF INTERESTS.

None.

45 REQUEST FOR LIVERY DESIGN CHANGE

Consideration was given to a request from Arrow Specialised Transport Ltd. to allow a change of livery design.

RESOLVED:

To approve the change.

46 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT.

None.

47 EXCLUSION OF THE PRESS AND PUBLIC.

RESOLVED:

That, the Members being satisfied that the public interest in maintaining the exemption outweighs the public interest in disclosing the information that under Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during the consideration of the ensuing reports on the grounds that the report involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

48 APPLICATION FOR JOINT HACKNEY CARRIAGE/ PRIVATE HIRE DRIVERS LICENCE - SA

Consideration was given to a report by Corporate Director, David Wakelin, regarding an application for a Joint Hackney Carriage/Private Hire Driver's Licence from SA.

SA attended the meeting and addressed the Committee.

In making the decision, the Committee applied the Council's approved Policy and Guidelines. On the basis of what it heard, the Committee was satisfied on balance that exceptional circumstances existed that warranted departure from this policy.

RESOLVED:

To approve SA's application for a Hackney Carriage/Private Hire Driver's Licence for a period of 1 year with a warning that he must take note of the renewal notice, and should he receive any more points on his licence he must inform the Council immediately and will be bought back before the Committee.

The meeting finished at 4.45 pm

Signed by Chair:
Date:



Report to Environment and Licensing Committee

Subject: Immigration Act 2016

Date: 17th January 2017

Author: Corporate Director

Wards Affected

All wards

Purpose of the Report

To inform Members of changes to the taxi licensing regime as a result of the Immigration Act 2016 which came into force on 1st December 2016.

To obtain Members' approval of amendments to the Statement of Policy and Guidelines for the Licensing of Hackney Carriage Drivers, Private Hire Drivers and Private Hire Operators ("the Policy") which incorporate the changes introduced by the Immigration Act 2016.

To seek delegation to the Director to approve private hire/hackney carriage ("taxi drivers) driver's licences and operator's licences for a period of less than 3 or 5 years respectively or 1 year where the applicant only has leave to remain in the United Kingdom for a period less than 3, 5 or 1 year and there are no other convictions or circumstances which would make them unsuitable for a 3, 5 or 1 year licence.

To obtain Member's approval for minor amendments to the Drivers and Operators' licence conditions to reflect changes brought in by the Immigration Act 2016.

Key Decision

This is not a Key Decision.

Background

- 1.1 On 1st December 2016, the Immigration Act 2016 came into effect and introduced changes to the Local Government (Miscellaneous Provisions) Act 1976 (“The Act”) in respect of taxi driver’s and operator’s licences.
- 1.2 The Act provides that the Licensing Authority shall grant a taxi driver’s licence where the applicant is a fit and proper person to hold such a licence and has held a DVLA driver’s licence for a period of at least 12 months. The Act also now provides that where an applicant for a taxi driver’s licence is a fit and proper person to hold a licence, they may only have a licence if they are not disqualified by reason of their immigration status from holding a taxi driver’s licence. The same applies to operator’s licences, they cannot be granted where the applicant is disqualified by reason of their immigration status from operating a private hire vehicle. An applicant is disqualified by reason of their immigration status if they do not have leave to enter or remain in the United Kingdom, their leave is invalid or has expired or they are subject to conditions which prevent them from carrying on licensable activities such as operating private hire vehicles or carrying on business as a taxi driver.
- 1.3 In addition, the Act now provides that where an applicant for a taxi driver’s licence has been granted leave to enter or remain in the United Kingdom for a limited period (“the leave period”) and that period has not been extended by virtue of s.3C of the Immigration Act 1971 (continuation of leave pending variation decision), the Authority must specify a period in the licence as the period for which it remains in force; and that period must end at or before the end of the leave period. The same applies to applicants for operator’s licences who have a limited leave period which has not been extended.
- 1.4 If the applicant has been granted leave to enter or remain in the UK for a limited period and this has been extended by virtue of s.3C of the Immigration Act 1971, the Authority must specify a period in the licence as the period for which it remains in force, and that period must not exceed 6 months. Again the same applies to applicants for operator’s licences who have had their leave extended.
- 1.5 Once the licences have expired on the date indicated in the licence, the individual must return the licence to the Authority within 7 days. Similarly if during the period of the licence, the licence holder’s immigration status changes and they are no longer entitled to remain or work in the United Kingdom, the licences must be surrendered within 7 days of that change. Once the applicant’s immigration status changes and they no longer have

the right to work or remain in the United Kingdom, the licence will cease to be in force, there is no requirement to revoke the licences in those circumstances. Failure to surrender the licences within 7 days is an offence for which the licence holder can be prosecuted.

- 1.6 In addition the Act has now introduced an extra ground for revocation and suspension of taxi driver and operator's licences, this ground is if the licence holder has, since the grant of the licence been convicted of an immigration offence or been required to pay an immigration penalty. Again, the licence holder must surrender the licence within 7 days of the decision to revoke or suspend, and failure to do so is an offence which can be prosecuted summarily.
- 1.7 The Act provides that taxi driver licences, once granted, remain in force for a period of 3 years or for such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case. In respect of operator's licences the period is five years or for such lesser period as the district council think appropriate in the circumstances of the case. Currently, applicants can apply to this Council for a joint hackney carriage/private hire driver's licence for 3 years or one year. The Policy provides that on application for a three year licence a licence will be granted for 3 years, unless the decision maker considers that in the particular circumstances of the applicant, the licence should be granted for a lesser period namely 1 year. In relation to operator's licences the same applies, the licence can be issued for a period of 5 years, however, if the Council consider it appropriate in the circumstances of the case that the licence should be for a lesser period, the licence will be issued for a 1 year period. The circumstances which may make issuing a licence for a shorter period appropriate include things such as driving history, convictions, driving experience and compliance with licence conditions.
- 1.8 There is currently a delegation to the Director to grant licences for a period of less than 3 years (1 year) in the case of drivers and less than five years (1 year) in the case of operators. There is no delegation to the Director to grant licences for other than 5, 3 or 1 year. At present then, any decision to grant a licence for less than 5, 3 or 1 year would have to be taken by the Committee, and there is no reference in the Policy to the changes in licence periods brought about by the Immigration Act 2016.

Proposal

- 2.1 In light of the changes brought about by the Immigration Act 2016, it is proposed that the Council's amended policy document at Appendix 1 be approved by Members. The amendments to the Policy reflect the changes to the duration of taxi driver and operator's licences, where the applicant's leave to enter or remain in the United Kingdom is limited or has been

extended by virtue of s.3C of the Immigration Act 1971. It is proposed that Members approve the draft amended Policy at Appendix 1. Whilst usually, changes to the Policy would be circulated to the trade for consultation, the changes introduced by the Immigration Act are legislative requirements and are not changes the Council are imposing on the trade, the Policy requires updating to remain fit for purpose.

- 2.2 It is also proposed that Authority be delegated to Director level, to determine the length of licences issued where the immigration status of the applicant for taxi driver's licences and operator's licences does not permit the grant of a licence for a 3 (driver's), 5 (operator's), or 1 (both) year period. If there are any other circumstances that would mean a three or five year licence would not be appropriate, for example the applicant has a poor driving record or previous breaches of licence condition in addition to a limited leave to remain, then the Director or Committee may choose to grant a licence for only a one year period (provided the leave to remain is over 1 year). The position in respect of an applicant with previous convictions who has a limited leave period in the United Kingdom remains the same, if the applicant has convictions which mean the application would come to Committee, the Committee will determine if the applicant is a fit and proper person and then the length of any licence granted, such length not to exceed the applicants leave period in the United Kingdom, if their leave entitlement is limited.
- 2.3 It is also proposed that amendments are made to Driver's and Operator's licence conditions. Currently driver's conditions require licencees holding a 3 or 5 year licence to provide an annual declaration to the Licensing Authority detailing all convictions, cautions, reprimands, warnings and fixed penalty notices, and any other changes of circumstance. As the Immigration Act 2016 introduces licences for a lesser period than 5 or 3 years the Authority need to ensure that there is still a requirement on those shorter licences which are over 1 year but below 3 or 5 to produce a declaration every 12 months. The changes to the drivers and operators conditions to clarify this are only minor changes to the wording and do not materially affect the condition itself. As such it is proposed that the amended conditions shown at Appendix 2 be approved.

Alternative Options

- 3.1 An alternative option is that Members do not approve the amended policy document at Appendix 1, or amend it differently. The changes brought about by the Immigration Act 2016 came into force on 1st December 2016 and already apply to the Authority, without an amended Policy the Policy document would not be up to date or fit for purpose. Members could decide to only permit licences to be granted for 1 or 3 years (drivers) or 5 and 1 year (operators). This however would leave applicants whose leave

entitlement is less than 5 or 3 or 1 year in a situation where they are deprived of a licence simply due to the fact that the Council only allows a 1 year licence. Such cases could be brought before Committee for a decision to be taken which departs from the current Policy but this would create an unnecessary burden for the Committee. The Policy is a guidance document and Members are entitled to depart from it but the delegation requested permits officers to take these decisions in straight forward immigration cases as explained below.

- 3.2 Members could decide not to delegate authority to the Director to grant licences for lesser periods than 5,3, or 1 years where there are issues with the immigration status of the applicants. However, this would mean all applications where leave to remain is limited would have to come before Committee which would slow down the licensing process. If the only question around the applicant is the length of their leave to remain, the applicant may still be deemed fit and proper, it is merely the length of the licence which is to be determined, in line with the applicants ability to remain in the United Kingdom. This is essentially an administrative decision in line with the legislation and is considered suitable to be delegated to officer level.

Financial Implications

Appendices

Appendix 1 – Amended Statement of Policy and Guidelines for the Licensing of Hackney Carriage Drivers, Private Hire Drivers and Private Hire Operators.

Appendix 2 – Private Hire/Hackney Carriage driver’s Conditions and Operator’s Conditions

Background Papers

None identified.

Recommendations

THAT:

- (a) Members approve the amended Statement of Policy and Guidelines for the Licensing of Hackney Carriage Drivers, Private Hire Drivers and Private Hire Operators at Appendix 1 to this report.
- (b) Members approve both the driver’s and operator’s amended conditions at Appendix 2 to this report.
- (c) Members delegate authority to Director level to grant Private Hire/Hackney Carriage driver’s licences for a period of less than 3

years or one year where required to do so under the Local Government Miscellaneous Provisions Act 1976 as amended by the Immigration Act 2016.

- (d) Members delegate authority to Director level to grant Operator's licences for a period of less than 5 years or one year where required to do so by the Local Government Miscellaneous Provisions Act 1976 as amended by the Immigration Act 2016.

Reasons for Recommendations

- (a) To ensure that the Council's Policy in relation to taxi licensing remains up to date and fit for purpose.
- (b) To ensure that the 12 month declaration is enforceable regardless of the length of the licence.
- (c) and (d) To ensure that the Committee does not become overburdened with applications for operator's and drivers which could be dealt with more efficiently at an operational level.

Statement of Policy and Guidelines
for the Licensing of Hackney
Carriage Drivers, Private Hire
Drivers and Private Hire Operators

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

DELEGATIONS AND REFERRAL TO COMMITTEE

For the purpose of this Policy, simple and conditional cautions, reprimands, warnings and fixed penalties shall be treated as though they were convictions.

1. This Policy is to be applied when making all decisions for the granting or suspension or refusal of a licence for a combined Hackney Carriage/Private Hire Driver's Licence and/or a Private Hire Operator's Licence ('a Licence').
2. Under the Council's Constitution the Environment and Licensing Committee have responsibility for exercising the Council's powers relating to Hackney Carriages and Private Hire Licensing.
3. The following paragraphs set out the delegations and procedures for the grant/suspension/revocation of a Licence. Where there is a delegation to the Corporate Director ('Director'), this is for the grant of a licence only; the Director can only refuse to grant such a licence, or to revoke an existing licence, where:
 - i) The driver is disqualified from driving and no longer holds a licence under Part III of the Road Traffic Act 1998 authorising him to drive a motor vehicle; or
 - ii) The driver's full DVLA licence has been revoked under the provisions of the Road Traffic (New Drivers) Act 1995.
4. **No previous convictions** - delegated authority to the Director.
5. **Minor Traffic Convictions where total number of points is 9 or fewer** – delegated authority to the Director, except where a DVLA licence has been revoked within the 2 year probationary period, under the Road Traffic (New Drivers) Act 1995, and a then a new DVLA licence obtained; even if the points are fewer than 9, the Director shall have no authority to grant the licence.
6. **Convictions within 5 years of application/change in circumstances of existing licence holder** – there is no delegation other than for minor traffic convictions as above; all other applications disclosing any Convictions within the last 5 years must be referred to the Committee.
7. **Convictions more than 5 years but less than 10 years prior to the application** – delegated authority to the Director after consultation with the Chair or Vice Chair and two members of the Committee to grant a Licence,

except:
 - i) Where the applicant has a conviction for Violence as detailed in paragraphs (b)(i) and (b)(ii) on pages 11 and 12 following, when the application must be referred to

the Committee if the offence is less than 10 years prior to the application (but see below);

- ii) Where the applicant has a conviction for an Indecency Offence as detailed in paragraph (e)(i) on page 14 following, the application must be referred to Committee if the conviction is less than 10 years prior to the application.

8. **All Convictions more than 10 years prior to the application** – delegated authority to the Director after consultation with the Chair or Vice Chair, except in the following circumstances where the application must be referred to the Committee:

- i) Where the applicant has a conviction for an indictable only offence; and/or
- ii) Where the applicant has a conviction for a serious sexual offence; or
- iii) Where the convictions are all more than 10 years old and fall outside of the above but it is felt by the Chair/Vice Chair that the circumstances justify refusal.

9. **Medical Examinations:** All applicants are required to pass a medical examination (see page 9 following). The presumption will be that any applicant who fails their medical examination will be refused a licence; any applicant wishing to pursue their application and who has failed their medical examination will be referred to Committee.

10. **Knowledge test:** All new applicants are required to pass a knowledge test as part of the application process. This tests the applicant's knowledge of routes and landmarks within the Gedling and Nottingham areas, as well as their knowledge of the Highway Code and licence conditions, and the ability of the applicant to do basic mental arithmetic (to ensure they can give correct change).

The application of any driver who takes and fails the test 3 times in succession will be deemed to be incomplete and will not be processed. Such applicant will not be eligible to sit the test during the following 3 month period, during which time it is expected that he will revise the material necessary to pass the test.

There is no 'expiry date' to the test, and no requirement to re take the knowledge test at renewal; however, any driver who has previously held a licence with Gedling Borough Council and who re applies more than two years after the previous licence expired will be required to take the knowledge test again. This is to ensure the he is familiar with the Gedling/Nottingham area and the terms and conditions of the Gedling licence, for the safety of the public.

11. **Practical Driving Test:** All new applicants are required to pass a driving test as part of their application. The application of any driver who takes the test and fails 3 times in succession will be deemed to be incomplete and will not be processed. Any such applicant will not be able to re take the test during the following 3 month period.

12. **Safeguarding:** all new applicants are required to attend Safeguarding Training and pass a short test as part of the application process, and every third year thereafter as part of the renewal application. All existing drivers are required to undertake the training and

pass the test at first renewal after 1 April 2016, and every 3rd year as part of their renewal application.

13. Duration of licences:

Where the Director under his delegated authority grants a licence, he shall also have authority to determine the term of such licence. Where a licence is granted (whether by Director or Committee), the decision maker shall then consider the term of such licence as follows:

- i) **Driver's Licences:** the standard licence duration is 3 years. Applicants may apply for a 1 year licence, should they so wish. Where an application for a 3 year licence is submitted, and the applicant is deemed to be a fit and proper person to hold a licence, the Director/Committee may decide it appropriate in the circumstances of that particular applicant, that the licence be restricted to a lesser period (1 year). Where the applicant has been granted leave to enter or remain in the United Kingdom for a limited period of time ("the leave period") and that leave has not been extended by virtue of s.3C of the Immigration Act 1971, the Director/Committee may decide to grant the licence for a specified period which is less than 3 years or 1 year, the period of the licence must end before the leave period ends. Where the applicants leave has been extended by virtue of s.3C of the Immigration Act 1971, the Director/Committee can only grant a licence for a period of up to 6 months. Please refer to the Policy at page 20.
- ii) **Operator's Licences:** the standard licence duration will be 5 years. Applicants may apply for a 1 year licence, should they so wish. Where an application for a 5 year licence is submitted, and the applicant is deemed fit and proper to hold a licence, the Director/Committee may decide it appropriate in the circumstances of that particular applicant, that the licence be restricted to a lesser period (1 year). Where the applicant has been granted leave to enter or remain in the United Kingdom for a limited period of time ("the leave period") and that leave has not been extended by virtue of s.3C of the Immigration Act 1971, the Director/Committee may decide to grant the licence for a specified period which is less than 5 years or 1 year, the period of the licence must end before the leave period ends. Where the applicant's leave has been extended by virtue of s.3C of the Immigration Act 1971, the Director/Committee can only grant a licence for a period of up to 6 months. Please refer to the Policy at page 20.

GENERAL GUIDANCE AND POLICY

Must be fit and proper 1 A licence shall not be granted to an applicant unless the Committee is satisfied that the applicant is a fit and proper person to hold such a licence.

Failure to notify the Council of convictions 2 Applicants for a new or renewed licence must declare on the application form and convictions, cautions, reprimands, warnings and fixed or endorseable penalty notices. It is a condition of all licences that pending and actual convictions/cautions/reprimands/ warnings and fixed penalty notices during the term of the licence must be notified to the Council. Licencees holding a licence for more than one year or less than five years must make a similar declaration at the end of each 12 month period.

A very serious view will be taken if an applicant or licence-holder fails to declare convictions, or cautions, or reprimands, or warnings, or fixed penalty offences but signs the declaration confirming that the information they have given is correct, or fails to notify the Licensing Section of convictions during the period of the licence in accordance with the licensing conditions.

This may be regarded as a deliberate attempt to mislead the Council with a view to obtaining a Licence or continuing to hold a Licence. The Director/Committee is entitled to take the failure to declare into account when determining what action to take as well as the actual conviction itself. This may result in a more serious sanction being imposed by the Committee.

Persons refused in the past 3 Applicants who have been refused licences in the past, on the grounds that they are not fit and proper, are not debarred from being granted licences. However, the Committee must be able to justify why that person is now considered by them as a fit and proper person to hold such a licence. To do this it will be necessary to look at the reasons why the applicant was initially refused and then consider what has occurred since to indicate that the applicant is now fit to hold a licence.

The lapse in time that has occurred, changes in domestic or business circumstances, added responsibilities are examples that may be relevant. The Committee may also consider that if the applicant is deemed to be fit and proper, it may be appropriate in his specific circumstances to only grant a one year licence.

Persons granted in the past	4	Similarly, those applicants who have been granted licences in the past have been considered to be fit and proper persons to hold such licences. To refuse a renewal of such a licence or to grant for a lesser period than 3 years, there must be a change in circumstances or new evidence presented to the Committee before a change can be justified.
Meaning of fit and proper	5	The term 'fit and proper person' refers only to whether that person is fit and proper to drive a hackney carriage or private hire vehicle, or to act as an operator of a private hire vehicle.
	6	There is no definition of the term 'fit and proper'; this is for the Committee to determine, however, regard should be had to the applicant's driving standards and experience, his character, any relevant previous convictions, and his knowledge and understanding of the trade. Regard will also be had to whether or not the applicant is physically and mentally fit to drive a hackney carriage or private hire vehicle.
		The Council may fail to be satisfied that an applicant is a fit and proper person to hold a driver's licence for any good reason.
		Applicants are encouraged to provide evidence of good character, especially if they have a criminal record. If such record is not adduced or if there is good reason to question or doubt the evidence provided then that could amount to good reason to refuse a licence, or to grant for only 1 year.
Treat each application on its merits	7	Each application for a licence will be considered on its own merits, both in relation to the grant of the licence and the duration for which it is granted.
Main concern public safety	8	The overriding consideration is the safety of the public. The Council has a duty to ensure so far as possible that those licensed to drive hackney carriage and private hire vehicles are suitable to do so, that they are safe drivers with good driving records and adequate experience, sober, courteous, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse or assault passengers.
Personal circumstances	9	When considering whether to grant, suspend, or revoke a licence, the Council is focusing on the impact of the licence holder's vehicle and character on members of the public and in particular on potential users of those vehicles. This does <u>not</u> require any consideration of their personal circumstances, which are irrelevant, except in very rare cases, to explain the conduct of the driver.

- | | | |
|--|----|---|
| Driving experience | 10 | As required by law, no application shall be granted where the applicant has held a full driving licence for less than one year, or where they currently hold a provisional licence. In addition, applications should not be granted unless the applicant also has adequate driving experience. Driving experience may be taken into account when considering whether it is appropriate to grant the applicant a 3 year licence. |
| Immigration Status | 11 | As required by law, no application shall be granted where an applicant for an Operator's or Private hire/hackney carriage driver's licence has been disqualified by reason of their immigration status from operating private hire vehicles or driving private hire vehicles/hackney carriages. A person is disqualified by reason of their immigration status if the person is subject to immigration control and has not been granted leave to enter or remain in the United Kingdom, or the leave is invalid, has ceased to have effect or is subject to a condition preventing the person from carrying on the licensable activity (operating private hire vehicles or driving private hire/hackney carriages). |
| Conduct of driver | 12 | Conduct of licence holders is relevant in considering revocation or suspension of their licence. |
| Drivers already licensed | 13 | Where a licence holder has been convicted of an offence involving dishonesty, indecency or violence, an immigration offence or been required to pay an immigration penalty, a licence may be suspended, revoked or an application to renew a licence refused. Where a licence holder is found to no longer be a fit and proper person, their licence must be revoked. If, however, it is considered that a person is still a fit and proper person to hold such a licence, but that their conduct falls below the standard required by the Licensing Authority, the Committee may decide to suspend their licence for such a period of time it considers fit or to issue him with a warning. |
| Use of suspension | 14 | The aim of the suspension of a licence is to bring a driver, who is falling below the standards required, back into line and not to penalise him. If it is felt that a warning should be sufficient to do this then a warning should be preferred to a suspension. |
| Complaints of drivers' standards, conduct of behaviour | 15 | Where evidence of complaints about a driver's standards, conduct or behaviour or other allegations which reflect upon the conduct or behaviour of a driver are brought before the Committee and the driver disputes those allegations, the Committee should consider whether those complaints or allegations can be substantiated. |

- Licence-holder charged with criminal offence
- 16 Where an applicant or licence-holder has been charged with a criminal offence, but the matter has not yet been considered by the Court, the Committee may decide to adjourn consideration of the matter pending the outcome of the criminal proceedings. Alternatively, the Committee may proceed to consider the charge and determine what action to take. Where a licence-holder has been charged with an offence:
- It is not necessary for the Committee to wait for a guilty verdict in criminal proceedings where a serious criminal offence is alleged to have been committed in the course of their employment before it can be decided to suspend or revoke a licence.
 - It is not necessary to hear live evidence from witnesses to such an offence before it can be decided to suspend or revoke a licence.
 - It is not necessary to decide there is a reasonable chance of the person being convicted of that offence before their licence can be properly suspended or revoked. It is for the Committee to decide whether the person is fit and proper to hold a licence on a balance of probabilities.
 - It is not necessary to look at the impact on that person's livelihood or consider compensation if that person is ultimately acquitted of the criminal charge.
- Reliance on evidence
- 17 In hearing evidence the Committee is not subject to the strict rules of evidence. Care should be taken in determining the relevance and admissibility of any evidence.
- 18 Where evidence has been presented which is later deemed to be not relevant or admissible, the members should take care to exclude such from their minds when making their decision.
- 19 The Committee should be careful to attach the correct weight to evidence before them. An independent witness with nothing to gain is more likely to give an unbiased account than someone who has a personal interest in the case. Corroborative evidence will add weight. If evidence is presented without calling the witness to that evidence, great care should be taken in relying upon such.
- Standard and burden of proof
- 20 The civil standard of proof applies to proceedings of the Committee i.e. the Committee must be satisfied on a balance of probabilities.
- 21 The burden of proof rests with the applicant/licence-holder to show that they are a fit and proper person to hold a licence.
- 22 Where a licence-holder has continued to hold a licence following an undeclared conviction/caution/reprimand/warning or fixed penalty notice, this will be taken into account when that conviction is ultimately

considered. If the Licence is revoked, the length of time the licence-holder continued to hold a licence following an undisclosed conviction may be taken into account when considering future applications.

23. Non-disclosure by an existing licence holder will be considered on renewal and whether it is appropriate, in the particular circumstances, to allow a 3 (or 5) year licence.

Human Rights Act considerations

24. A licence-holder can be deprived of his/her licence if it is in the public interest and in accordance with the law. When determining appropriate action the Committee will balance the rights of the licence-holder with the rights of the public at large.

GUIDELINES RELATING TO MEDICAL CONDITIONS

Medical checks 1 The Council requires applicants to pass a medical examination on initial application and when aged 45 years, 50 years, 55 years, 60 years, 65 years and annually thereafter. Applicants who fail the test will be referred to Committee.

Consideration of medical report 2 In determining whether the applicant is physically and mentally fit to drive a hackney carriage or private hire vehicle, the Committee will consider the report of the Occupational Health Physician appointed by the Council to assess the fitness of applicants. The Committee will also consider any relevant medical evidence of a qualified medical practitioner submitted by the applicant and may take such evidence into account when determining the application.

Standard to be applied 3 The Council applies the Group 2 medical standards applied by the Driver and Vehicle Licensing Authority to taxi drivers. If an applicant fails to meet the Group 2 medical standard, the application will normally be refused. Where an existing licence holder develops a medical condition which means (s)he will not meet the Group 2 medical standard, the licence will normally be revoked or not renewed.

GUIDELINES RELATING TO THE RELEVANCE OF CONVICTIONS

Convictions 1 In this Policy, simple and conditional cautions, reprimands, warnings and fixed penalties (endorseable or not) shall be treated as though they were convictions.

Consideration of previous 2 In considering evidence of an applicant's previous convictions the Council will take into account the nature of the offence, when it was

convictions		committed, date of conviction, applicant's age when the offence was committed and any other factors which are relevant.
Convictions previously considered where no change of circumstances	3	Applications for the renewal of hackney carriage driver's licences, private hire vehicle driver's licences and private hire operators licences shall not be refused on the grounds of previous convictions, where the applicant has been previously granted a licence and no further convictions have occurred.
Correctness of conviction not to be questioned	4	Where evidence of previous convictions are presented, the Committee must accept that the applicant was correctly convicted. Subject to this, the Committee may look at the circumstances of the offence to determine its seriousness. The sentence imposed by the Court may be relevant to determine its seriousness. Appendix I lists a range of sentencing powers available to the Magistrates' Court, which may assist the Committee in assessing the seriousness of the offence committed. However, it is important to note that in imposing a fine the Court will take account of the offender's family and financial circumstances.
Consideration of spent convictions	5	The Committee can consider convictions which are usually regarded as spent convictions for the purpose of The Rehabilitation of Offenders Act 1974. Such convictions can be considered by virtue of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended.
	6	When considering spent convictions the Committee will take into account the offence involved, its relevance, its age and apparent seriousness.
Licences not normally granted where there are convictions for serious crime within the last 3-5 years	7	A person with a current conviction for a serious crime need not be permanently barred from obtaining a licence but should be expected to (a) remain free of conviction for an appropriate period and (b) show adequate evidence of good character from the time of the conviction. This may be, for instance, references from an employer. Simply remaining free of conviction will not generally be regarded as sufficient evidence of good character.
Number of convictions	8	Some discretion may be appropriate if the conviction is isolated and there are mitigating circumstances. Similarly, multiple convictions or a series of convictions over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour, which will be taken into account.

The following examples afford a general guide on the action which might be taken where convictions are disclosed; note that this list is not exhaustive and all convictions should be

considered when deciding if an applicant is fit and proper, even if it does not appear below.

Where there is more than one conviction, it is expected that the penalty for the most serious will apply.

(a) Convictions involving Dishonesty (including attempts or conspiracy to commit such offences)

Drivers of hackney carriage and private hire vehicles are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public, for example, by demanding more than the legal fare (and in other ways).

Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing (passengers may comprise especially vulnerable people). For these reasons a serious view is taken of any convictions involving dishonesty. In general, a period of 3 to 5 years free of conviction will be required before an application is likely to be considered favourably.

In particular, an application will normally be refused where the applicant has a conviction for any of the following offences which occurred fewer than 3 years prior to the date the application is considered: -

- Theft/Burglary and offences under the Theft Act 1968 (other than robbery/offences including violence which are dealt with below)
- Fraud/misrepresentation and offences under the Fraud Act 2006
- Benefit fraud (including offences under ss.111A and 112 of the Social Security Administration Act 1992)
- TWOC – Taking a motor vehicle without the owner's consent
- Handling or receiving stolen goods
- Forgery

Where the conviction is more than 3 years but less than 5 years prior to the date the application is considered, more weight will be given to the circumstances of the offence and any evidence adduced to show good character since the date of conviction.

Where an existing licence-holder is convicted of an offence involving dishonesty, the licence should normally be revoked and in general, and a period of 3 to 5 years free of conviction will be required before a new application is likely to be considered favourably.

(b) Convictions involving Violence (including attempts or conspiracy to commit such offences)

As hackney carriage and private hire drivers maintain close contact with the public, in general a period of 3 to 10 years free of conviction for offences involving violence (depending on the

nature and seriousness of the offence) will be required before an application is likely to be considered favourably.

In particular: -

- (i) An application will normally be refused where the applicant has a conviction for any of the following offences and the conviction is less than 10 years prior to the date the application is considered: -
- Murder
 - Manslaughter
 - Arson
 - Malicious wounding or grievous bodily harm (s18 and s.20 Offences Against the Person Act 1861) which is racially aggravated (s.29(1)(a) Crime and Disorder Act 1998)
 - Actual bodily harm (s.47 Offences Against the Person Act 1861) which is racially aggravated (s.29(1)(b) Crime and Disorder Act 1998)

Where the conviction is more than 10 years but less than 12 years prior to the date the application is considered, more weight will be given to the circumstances of the offence and any evidence adduced to show good character since the date of conviction.

- (ii) An application will normally be refused where the applicant has a conviction for any of the following offences and the conviction is less than 8 years prior to the date the application is considered: -
- Grievous bodily harm with intent (s.18 Offences Against the Person Act)
 - Grievous bodily harm (s.20 Offences Against the Person Act)
 - Robbery (Theft Act 1968)
 - Riot (s.1 Public Order Act 1986)
 - Violent Disorder (s.2 Public Order Act 1986)
 - Racially-aggravated criminal damage (s.30 Crime and Disorder Act 1998)
 - All racially aggravated offences against Public Order
 - All racially-aggravated offences of Harassment

Where the conviction is more than 8 years but less than 10 years prior to the date the application is considered, more weight will be given to the circumstances of the offence and any evidence adduced to show good character since the date of conviction.

- (iii) An application will normally be refused where the applicant has a conviction for any of the following offences and the conviction is less than 3 years prior to the date the application is considered:-
- Common assault and/or battery
 - Common assault and/or battery which is racially aggravated (s.29(1)(c) Crime and Disorder Act 1998)
 - Assault occasioning actual bodily harm (s.47 Offences Against the Person Act)

- Assault on a police officer
- Affray (s.3 Public Order Act 1986)
- Offences against Public Order (non racially aggravated)
- Offences of Harassment (non-racially aggravated)
- Obstruction
- Possession of offensive weapon
- Possession of firearm
- Criminal damage
- Resisting arrest

Where the conviction is more than 3 years but less than 5 years prior to the date the application is considered, more weight will be given to the circumstances of the offence and any evidence adduced to show good character since the date of conviction

Where an existing licence-holder is convicted of an offence of violence, the licence should normally be revoked and in general, a period of 3 to 12 years free of conviction (depending on the nature and seriousness of the offence) will be required before a new application is likely to be considered favourably.

(c) Convictions involving Drugs (including attempts or conspiracy to commit such offences)

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

A licence will normally be refused where the applicant has more than one conviction for drug-related offences and has not been free from conviction for 5 years from the date of the most recent conviction.

A licence may be refused where the applicant has an isolated drug related conviction within 3-5 years prior to the date the application is considered, consideration will be given to the nature and quantity of drugs involved and whether intended for personal use or supply.

If there is evidence of persistent drug use, misuse or dependency, a specialist examination (in accordance with DVLA group 2 medical standards) may be required before the licence is granted. If an applicant was an addict then he would normally be required to show evidence of a minimum of 5 years free from drug taking after detoxification treatment.

Where an existing licence-holder is convicted of a drugs-related offence, the licence should normally be revoked. The above provisions should be applied when/if they make a new application for a licence.

(d) Convictions involving Alcohol (including attempts or conspiracy to commit

such offences)

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

Applicants will normally be required to show that a period of at least 5 years has elapsed after completion of detoxification treatment if (s)he was an alcoholic.

(e) Convictions involving Indecency (including attempts or conspiracy to commit such offences)

As hackney carriage and private hire drivers often carry unaccompanied passengers, applicants with convictions for soliciting, importuning, indecent exposure and/or any sexual offence will normally be refused a licence until they can show a substantial period (usually between 3 and 10 years) free from any such conviction.

(i) In particular, an application will normally be refused where the applicant has a current conviction for any of the following offences and the conviction is less than 10 years prior to the date the application is considered: -

- Rape
- Indecent/Sexual assault
- Gross indecency with a female
- Gross indecency with a male
- Sexual offences against a child under 16 including sexual grooming
- Sexual offences against persons with a mental disorder impeding choice
- Buggery
- Exposure
- Offences involving indecent images of children
- Voyeurism

Where the conviction is more than 10 years but less than 12 years prior to the date the application is considered, more weight will be given to the circumstances of the offence and any evidence adduced to show good character since the date of conviction.

(ii) In particular, an application will normally be refused where the applicant has a current conviction for either of the following offences which is less than 3 years prior to the date the application is considered: -

- Kerb-crawling
- Persistent soliciting

Where the conviction is more than 3 years but less than 5 years prior to date the application is considered, more weight will be given to the circumstances of the offence and any evidence adduced to show good character since the date of conviction.

Where an existing licence-holder is convicted of an offence of indecency, the licence should normally be revoked and in general, a period of 3 to 10 years free of conviction, depending on the nature and seriousness of the offence, will be required before a new application is likely to be considered favourably.

(f) Motoring Convictions

i) Driving offences involving the loss of life

A very serious view is taken of any applicant who has been convicted of a motoring offence that has resulted in loss of life.

A licence will normally be refused unless the applicant has been free of conviction for 7 years from the date of the most recent conviction, or 3 years from the completion of the sentence for the offence, whichever is the longer.

ii) Motoring Offences involving alcohol or drugs

A serious view will be taken of convictions of driving 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 5 years free from conviction should elapse after the restoration of the DVLA licence, before an application for a driver's licence will be considered favourably.

An isolated conviction for drunkenness, without disqualification, 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 vehicle drivers. More than one conviction for this type of offence or one such conviction within the last 5 years is likely to merit refusal.

In addition, applicants will normally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if (s)he was an alcoholic or drug addict.

Where an existing licence-holder is disqualified from driving as a result of a drink or drug related driving conviction, the licence will be revoked by the Corporate Director under delegated powers.

Where an existing licence-holder is convicted of driving or being in charge of vehicle while under the influence of drink or drugs, but the licence-holder is not disqualified from driving, the licence should normally be revoked. Any subsequent application for a new licence will be determined in accordance with the guidance in paragraph (f)(ii) above.

(iii) Major Traffic Offences

An isolated conviction for a major traffic offence such as dangerous driving which involves a disqualification from driving for any period will require careful consideration of the facts, particularly where the offence has resulted in injury or accident. At least 3 years free from conviction after the restoration of the DVLA licence should elapse before an applicant is granted a licence.

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 conviction is less than 2 years prior to the date the application is considered.

Where an existing licence-holder is disqualified from driving as a result of a conviction for a major traffic offence, the licence will be revoked by the Corporate Director under delegated powers.

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 and any subsequent application for a new licence will be determined in accordance with the guidance above.

A list of convictions to which this paragraph applies is attached as **Appendix II**.

(iv) a) Minor Traffic Offences after the 2 year probationary

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 conviction will be taken into account. If there are several convictions for minor traffic offences the applicant will normally be expected to show a period free of conviction of at least 6 months from the date of the last conviction.

An application will normally be refused where the applicant has 12 or more penalty points on their DVLA licence for minor traffic convictions even if (s)he has not been disqualified from driving.

Where a minor traffic conviction has resulted in the applicant being disqualified from driving for a period of time this will normally be taken as reflecting seriously on the applicant's driving standard. Generally, a period of 6 months free from conviction must have elapsed from the restoration of the DVLA licence.

Where an existing licence-holder has more than 9 penalty points on their DVLA licence, their licence will normally be suspended for a period of time.

Where an existing licence holder is disqualified from driving the licence will be revoked

by the Corporate Director under delegated powers.

b) Minor Traffic Offences within the 2 year probationary period.

Under the Road Traffic (New Drivers) Act 1995 every new driver has to undergo a probationary period of 2 years from the date that their full driving licence is issued. If (s)he is convicted of minor traffic offences within that period which result in a total of 6 or more points, the full driving licence is revoked by DVLA.

If an existing licence holder has the DVLA licence revoked under these provisions, the taxi driver's Licence will be revoked by the Corporate Director (see page 2 paragraph 3). The driver may then apply for a provisional licence and to re-take and pass their driving test (both theory and practical) before they are granted a full licence by DVLA. Once this has happened they may apply again for a taxi driver's Licence.

Where minor traffic offences have resulted in the applicant's full licence being revoked within the probationary period, this will be viewed as reflecting seriously on the applicant's standard of driving. Generally the applicant will be expected to have been driving, conviction and accident free, on their new full licence for at least 6 months before an application for a taxi driver's Licence will be viewed favourably.

A list of convictions to which these paragraphs apply is attached as **Appendix III**.

(v) Totting –up Disqualifications

Where a number of traffic offences has resulted in a driver receiving 12 penalty points or more on his/her 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 normally be refused until a period of between 12 months and 2 years has elapsed from the restoration of the DVLA licence depending on the seriousness of the convictions which led to the totting up.

Where an existing licence-holder is disqualified from driving as a result of a totting up, the licence will be revoked by the Corporate Director under delegated powers.

(vi) Hybrid Traffic Offences

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

(g) Offences under the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976

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

In particular, an applicant will normally be refused a licence where (s)he has been convicted of an offence under the Acts at any time during the 6 months preceding the date the application is considered or has more than one conviction within the 2 years preceding the date the application is considered.

(i) "Plying for hire" Offences

Suspension of a driver's licence may be appropriate where an existing licence-holder has been convicted of an offence of plying for hire. The following table serves as guidance on the appropriate length of suspension, but the suspension period may be varied depending on the individual circumstances surrounding each case.

Circumstances	Period of Suspension
Where a driver is convicted of Plying for Hire on a first occasion and the Borough Council is notified by the driver of the offence.	28 days
Where a driver is convicted of Plying for Hire on a first occasion and the Borough Council is <u>not</u> notified by the driver of the offence	56 days
Where a driver is convicted of Plying for Hire on more than one occasion within 2 years	112 days

In addition, the Committee takes a serious view where it is alleged that an applicant has committed an offence of plying for hire without a licence at any time during the 6 months immediately prior to the date the application is considered. In such circumstances, the applicant will normally be refused a licence if the Committee is satisfied on balance that the applicant picked up a passenger without a prior booking.

Where an existing licence holder is convicted of an offence of plying for hire and as a result of that offence is also convicted of driving without insurance, it is expected that the application will be decided in accordance with paragraph (f)(iii) Major Traffic Offences above.

(h) **Breaches of Orders of the Court**

Drivers of hackney carriage and private hire vehicles are expected to be persons who respect the authority of all enforcement agencies, including the Police, Court and local authorities. For these reasons a serious view is taken of any convictions involving failure to comply with an

Order of the Court or direction of any enforcement authority. In general, a period of 1 to 3 years free of conviction will be required before an application is likely to be considered favourably.

In particular, an application will normally be refused where the applicant has a conviction for any of the following offences and the conviction is less than 1 year prior to the date the application is considered: -

- Breach of an Anti-Social Behaviour Order:
- Breach of a Community Order.
- Failure to surrender to bail.
- Breach of a Non-Molestation Order.
- Breach of a Protective Order.
- Breach of a Restraining Order.

Where an existing licence-holder is convicted of a breach of an Order of the Court, the Licence will normally be revoked and in general, a period of 1 year free of conviction will be required before a new application is likely to be considered favourably.

(i) Smoking offences

It is an offence to smoke in a licensed vehicle by virtue of the Health Act 2006. The Committee may decide to suspend the Licence for a period of time or issue a warning to any driver who comes before it for such offences.

(j) Complaints about a Driver's standards or conduct

The Council sometimes receives complaints from members of the public or other drivers about the behaviour of a licensed driver/operator. This may be about their standard of driving and/or their conduct whilst representing the Council as a driver/operator. All written complaints are investigated by the Licensing Officers and, if upheld, are recorded on the driver's file. Usually the issue is resolved after an isolated incident; however, where there is one isolated complaint which involves a serious allegation, or a series of allegations, the driver is brought before the committee.

It is difficult to provide general guidance because complaints are diverse in nature – however the Committee will need to decide whether the complaint(s) can be substantiated and, where they can (on balance of probability), the Committee must decide whether the driver remains fit and proper. The decisions open to committee are:

1. that the driver is not fit and proper – in this case their licence must be revoked; or
2. that the driver is fit and proper, but that they have fallen below the required standard; in this case the Committee may decide to suspend the licence for a period, such period

would depend on the number, nature and frequency of the complaints, but would generally be between 7 and 28 days; alternatively the committee may decide that a warning is sufficient (such warning to be recorded on the Driver's records).

3. Any complaints (number and seriousness) will also be considered when deciding whether it is appropriate to grant a 3 year licence.

POLICY - DURATION OF LICENCES

Driver (PH and Hackney Carriage) Licences

1. All licences will be issued for 3 years unless:
 - i) The application is for a 1 year licence; or
 - ii) The Council decides it appropriate in the circumstances of the case that the licence should be for a lesser period (1 year);or
 - iii) The Council cannot grant a licence for 3 or 1 years due to the applicant's immigration status and must grant for a different period (less than 3 years)
2. When looking at an application for a 3 year licence, the decision maker (Director or Committee) will consider first whether the applicant is fit and proper to hold a licence. If he is not then the application will be refused. If he is fit and proper, the decision maker will then consider whether it is appropriate, in the circumstances of that particular applicant, that the licence should be granted for a lesser (1 year) period.
3. When considering whether an applicant should be granted a 3 year licence, the decision maker (Director or Committee) will look at the specific circumstances appertaining to that particular applicant, including (but not limited to) the following:
 - driving history, for example, convictions, cautions, reprimands, warnings, fixed penalty notices (seriousness, date, patterns of offending, current points on the licence)
 - applicant's age and length of time he has been driving including whether he/she has had previous experience of driving taxi/public service vehicles
 - history of the applicant, for example, breach of licence conditions, complaints (if already holding a taxi licence), anti social behaviour orders, parking fines.
 - medical history
 - whether the applicant has failed to declare any convictions, cautions, reprimands, warnings and/or fixed penalty notices either on his application form or in accordance with any existing or previous licence
 - whether references of good character have been provided
 - Any other relevant information

When considering whether to grant a licence for a 3 year or 1 year period, the decision maker must also consider the immigration status of the applicant, as a licence can only be granted for a period during which the applicant has leave to enter or remain in the United Kingdom. If the applicant's leave period has been extended by virtue of s 3C of the Immigration Act 1971, a licence can only be granted for a period of up to 6 months. The applicant may have factors (listed above) in addition to immigration status which mean that it would only be appropriate to grant a licence for 1 year, however where the only consideration is immigration status the licence can be granted for a lesser period than 3 or 1 years dependant on the applicant's leave period.

Operators' Licences

4. All Operator Licences will be issued for 5 years unless:
 - i) The application is for a 1 year licence; or
 - ii) The Council decides it appropriate in the circumstances of the case that the licence should be for a lesser period
 - iii) The Council cannot grant a licence for 5 or 1 years due to the applicant's immigration status and must grant for a different period (less than 5 years)

5. When considering an application for a 5 year licence, the decision maker (Director or Committee) will consider first whether the applicant is fit and proper to hold a licence. If he is not then the application will be refused. If he is fit and proper, the decision maker will then consider whether it is appropriate, in the circumstances of that particular applicant that the licence should be granted for a lesser (1 year) period.

6. When considering whether an applicant should be granted a 5 year licence, the decision maker (Director or Committee) will look at the specific circumstances appertaining to that particular applicant, including (but not limited to) the following:
 - History of convictions, cautions, reprimands, warnings, fixed penalty notices;
 - Record keeping and compliance with licence conditions
 - Complaints
 - Employment history (for example, whether he has employed unlicensed drivers and/or drivers not entitled to work in the UK)
 - Any other relevant information.

When considering whether to grant a licence for a 5 year or 1 year period, the decision maker must also consider the immigration status of the applicant, as a licence can only be granted for a period during which the applicant has leave to enter or remain in the United Kingdom. If the

applicant's leave period has been extended by virtue of s 3C of the Immigration Act 1971, a licence can only be granted for a period of up to 6 months. The applicant may have factors (listed above) in addition to immigration status which mean that it would only be appropriate to grant a licence for 1 year, however where the only consideration is immigration status the licence can be granted for a lesser period than 5 or 1 years dependant on the applicant's leave period.

7. **Conditions for licences**

All licences granted for a period of five years or less will have attached to them all the conditions which apply to a one year licence. In addition there is a requirement that, after each 12 month period, the driver/operator completes a declaration form for the Council detailing all convictions, cautions, reprimands, warnings and fixed penalty notices. Drivers will also be required to undergo a DVLA check at the end of each 12 months.

8. **Any other relevant information**

The over-riding concern of the Council in applying this policy is the safety of the public. In deciding whether a licence should be for 3 years (drivers) or 5 years (operators) or such lesser period as is appropriate in the particular circumstances of the applicant, the Council will consider at all times the potential risk that driver/operator presents to public safety.

POLICY - IMMEDIATE REVOCATION/SUSPENSION OF DRIVER'S LICENCE

1. If the Committee decides to revoke or suspend a driver's licence, it will then have to consider whether that revocation/suspension should take immediate effect.
2. The Committee 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.**
3. Each decision to resolve that the revocation/suspension will take immediate effect should be considered on its own merits.
4. "In the interests of public safety" is not defined and is for the Committee to determine. However, regard should be had to any risks to public safety arising from concerns about the licence-holder's driving standards, their character, including (for example) dishonesty, violent behaviour, involvement in drink or drugs, inappropriate sexual conduct, any relevant previous convictions and any other matters the Committee may deem relevant.

5. Before reaching a decision, the Committee shall give the licence-holder the opportunity to make representations as to whether or not the revocation/suspension should take immediate effect.
6. The over-riding consideration shall always be the safety and protection of passengers and the general public.
7. Matters such as unemployment and home circumstances may be taken into account when determining whether the revocation or suspension should take place immediately but shall not outweigh the public safety factor.
8. Where the Committee has decided that a licence-holder is no longer “fit and proper” to hold a licence, the presumption should be that the interests of public safety require the revocation of the licence to have immediate effect. However, the Committee may consider that the particular circumstances of a case are exceptional and compelling to justify allowing the licence to continue to have effect until 21 days after the date of the decision to revoke or, if an appeal is lodged, until that appeal is determined. For example, a licence-holder may be able to demonstrate that the risk to public safety is so diminished that it is right to allow the licence to continue.
9. However, if it is considered that a person is still a fit and proper person to hold such a licence but that their conduct falls below the standard required by the Licensing Authority, and the Committee has therefore decide to suspend them, the presumption should be that the interests of public safety will not require the suspension of the licence to have immediate effect. However, the Committee may consider that the particular circumstances of a case are exceptional and compelling and do not justify allowing the licence to continue to have effect until 21 days after the date of the decision to revoke or, if an appeal is lodged, until that appeal is determined.
10. If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, the Committee 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.

SENTENCES AVAILABLE TO THE MAGISTRATES' COURT FOR OFFENDERS AGED 18 AND OVER

[in ascending order]

1. **Absolute and Conditional Discharge** - either discharge completely or subject to the offender committing no further offences for a certain period.
2. **Bind Over** - bind over to keep the peace.
3. **Compensation** [up to £5,000] – payment to compensate the victim of the crime for loss, injury or suffering.
4. **Fine** [up to £5,000 more if specified for certain offences] – financial penalty.
5. **Community Order** – a court may pass on an offender a community order of a low, medium or high level. The order must have one or more of the following requirements:
 - an unpaid work requirement
 - an activity requirement
 - a programme requirement
 - a prohibited activity requirement
 - a curfew requirement
 - an exclusion requirement
 - a residence requirement
 - a mental health treatment requirement
 - a drug rehabilitation requirement
 - an alcohol treatment requirement
 - a supervision requirement
 - an attendance centre requirement – if the offender is under 25

NB offences committed before 4 April 2005 are dealt with by way of old style community orders:

- i. Community Rehabilitation Order
- ii. Community Service Order
- iii. Combination Order
- iv. Attendance Centre – under 21s only
- v. Drug Treatment and Testing Order

6. **Short Detention** – usually for a day or a few hours defendant must be detained in the court house or local police station
7. **Suspended sentence Order** – a period of imprisonment/detention is imposed but suspended for a period up to two years. The order must include one or more of the requirements listed above. For pre 4th April 2005 offences an old style suspended sentence can be given.
8. **Detention in Young Offenders Institution** - under 21 only
9. **Imprisonment** - over 21 only
10. **Ancillary Orders** may be imposed in relation to certain convictions in addition to a usual penalty for example Anti-Social behaviour Orders, Football Banning Orders, Drink banning Orders, Disqualification from driving.

Major Traffic Convictions

Code	Conviction	Penalty Points
AC10	Failing to stop after an accident	5 to 10
AC20	Failing to give particulars or to report an accident within 24 hours	5 to 10
AC30	Undefined accident offences	4 to 9
A10	Driving while disqualified by order of the court	6
BA20	Attempting to drive while disqualified by order of court	6
CD10	Driving without due care and attention	3 to 9
CD20	Driving without reasonable consideration for other road users	3 to 9
CD30	Driving without due care and attention or without reasonable consideration for other road	3 to 9
CD40	Causing death through careless driving when unfit through drink	3 to 11
CD50	Causing death by careless driving when unfit through drugs	3 to 11
CD60	Causing death by careless driving with alcohol level above limit	3 to 11
CD70	Causing death by careless driving then failing to supply a specimen for alcohol analysis	3 to 11
CD80	Causing death by careless, or inconsiderate, driving	3 to 11
CD90	Causing death by driving: unlicensed, disqualified or uninsured drivers	3 to 11
DD10	Causing serious injury by dangerous driving	3 to 11
DD40	Dangerous driving	3 to 11
DD60	Manslaughter or culpable homicide while driving a vehicle	3 to 11
DD80	Causing death by dangerous driving	3 to 11
DD90	Furious driving	3 to 9

Approved 11 September 2007

Revised 11 August 2009

Approved November 2010

Revised November 2011

Approved December 2011

Revised and approved October 2013

Revised and approved October 2015

Revised and approved March 2016

Page 26 of 31

DR10	Driving or attempting to driver with alcohol level above limit	3 to 11
DR20	Driving or attempting to drive while unfit through drink	3 to 11
DR30	Driving or attempting to drive then failing to supply a specimen for analysis	3 to 11
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	3 to 11
DR40	In charge of a vehicle while alcohol level above limit	10
DR50	In charge of a vehicle while unfit through drink	10
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive	10
DR61	Refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity in circumstances other than driving or attempting to drive	10
DR70	Failing to provide specimen for breath test	4
DR80	Driving or attempting to drive when unfit through drugs	
DR90	In charge of a vehicle when unfit through drugs	10
IN10	Using a vehicle uninsured against third party risks	6 to 8
LC20	Driving otherwise than in accordance with a licence	3 to 6
LC30	Driving after making a false declaration about fitness when applying for a licence	3 to 6
LC40	Driving a vehicle having failed to notify a disability	3 to 6
LC50	Driving after a licence has been revoked or refused on medical ground	3 to 6
MS50	Motor racing on the highway	3 to 11
MS60	Offences not covered by other codes (including offences relating to breach of requirements as to control of vehicle)	3

UT50	Aggravated taking of a vehicle	3 to 11
TT99	Disqualification under totting-up – if the total penalty points reaches 12 or more within 3 years, the driver can be disqualified	

Aiding, abetting, counselling or procuring convictions

For these convictions the number 0 on the code is changed to 2

Causing or permitting convictions

For these convictions the number 0 on the code is changed to 4

Inciting convictions

For these convictions the number 0 on the code is changed to 6

Appendix III

Minor Traffic Convictions

Code	Conviction	Penalty Points
CU80	Breach of a requirement as to control of a vehicle, using a mobile etc	3
MS10	Leaving a vehicle in a dangerous position	3
MS20	Unlawful pillion riding	3
MS30	Play Street Offences	2
MS70	Driving with uncorrected defective eyesight	3
MS80	Refusing to submit to an eyesight test	3
MS90	Failure to give information as to identity of driver etc	6
MW10	Contravention of special roads regulations (excluding speed limits)	3
PC10	Undefined contravention of pedestrian crossing regulations	3
PC20	Contravention of pedestrian crossing regulations with moving vehicle	3
PC30	Contravention of pedestrian crossing regulations with a stationary vehicle	3
TS10	Failing to comply with traffic light signal	3
TS20	Failing to comply with double white lines	3
TS30	Failing to comply with 'Stop' sign	3
TS40	Failing to comply with direction of a constable/warden	3
TS50	Failing to comply with traffic sign (excluding 'Stop' signs, traffic lights or double white lines)	3
TS60	Failing to comply with school crossing patrol sign	3
TS70	Undefined failure to comply with a traffic direction sign	3

Aiding, abetting, counselling or procuring convictions

For these convictions the number 0 on the code is changed to 2

Causing or permitting convictions

For these convictions the number 0 on the code is changed to 4

Inciting convictions

For these convictions the number 0 on the code is changed to 6

Hybrid Convictions

Code	Conviction	Penalty Points
CU10	Using a vehicle with defective brakes	3
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	3
CU30	Using a vehicle with defective tyre(s)	3
CU40	Using a vehicle with defective tyres	3
CU50	Causing or likely to cause danger by reason of load or passengers	3
SP10	Exceeding goods vehicle speed limits	3 to 6
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)	3 to 6
SP30	Exceeding statutory speed limit on a public road	3 to 6
SP40	Exceeding passenger vehicle speed limit	3 to 6
SP50	Exceeding speed limit on a motorway	3 to 6

Aiding, abetting, counselling or procuring convictions

For these convictions the number 0 on the code is changed to 2

Causing or permitting convictions

For these convictions the number 0 on the code is changed to 4

Inciting convictions

For these convictions the number 0 on the code is changed to 6

This page is intentionally left blank

Hackney Carriage Driver's Licence Conditions

Definitions

'Authorised Officer' means any officer authorised in writing by the council for the purposes of these conditions, and any statutory requirements relating to taxi licensing.

'The Council' means Gedling Borough Council.

"Hackney Carriages" or "vehicle" has the same meaning as in the Town Police Clauses Act 1847.

'Proprietor' means the person or persons or body named in the licence as the Proprietor of the Hackney Carriage and includes part Proprietors and in relation to a vehicle subject to a hiring agreement or a hire purchase agreement, means the person in possession of the vehicle under that agreement.

1. Assignment of Licence

The Licensee shall not assign or in any way part with the benefit of the Licence. It is personal to the Licensee.

2. Deposit of Licence with Hackney Carriage Proprietor

The Licence shall be delivered to and deposited with the Proprietor of the Hackney Carriage or with the Operator, if applicable.

3. Drivers Badge

The driver shall;

- A at any time while the vehicle is plying for hire or being hired wear, in a conspicuous position so as to be clearly visible, one of two drivers badge issued by the Council.
- B mount the identity badge holder inside the vehicle in such a location that it can be seen from all seats within the vehicle. One of the two drivers badges issued by the Council is to be mounted in the holder at any time while the vehicle is plying for hire or being hired.
- C return his/her badges to the Council as soon as the Licence ceases to be in force.

4. Conduct of Driver

The driver shall;

- A afford all reasonable assistance with passengers luggage.
- B be clean and respectable in his/her dress and person and behave in a civil and orderly manner.
- C take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him/her.
- D not, without the express consent of the hirer, drink or eat in the vehicle whilst it is being hired.
- E at no time cause or permit the noise emitted by any device in the vehicle which he/she is driving, to be a source of nuisance or annoyance to any person whether inside or outside the vehicle.
- F not smoke or permit passengers to smoke in the vehicle at any time.
- G not use or permit passengers to use E-Cigarettes, Personal vaporizers or Electronic Nicotine Delivery Systems within the vehicle at any time

5. Prompt Attendance

The driver of a Hackney Carriage who has agreed, or has been hired to be in attendance with the Hackney Carriage at an appointed time and place shall, unless delayed or prevented by some reasonable cause, punctually attend.

6. Destination

The driver of a Hackney Carriage when hired to a particular destination shall not, without reasonable cause, unnecessarily prolong in distance, or in time, the journey for which the Hackney Carriage has been hired.

7. Passengers

- A the driver shall not convey or permit to be conveyed in a Hackney Carriage, a greater number of persons than that prescribed in the Licence for the vehicle.
- B The driver shall not allow more than one passenger to be conveyed in front of the Hackney Carriage.
- C The driver shall not, without the consent of the hirer of the Hackney Carriage, convey or permit to be conveyed any other person in the vehicle.
- D The driver may, at his/her discretion, convey animals or pets, provided that the driver shall not refuse to convey assistance dogs.

8. 12 month declaration

For licences issued for more than one year but less than three years the licence holder will sign and submit a declaration to the Council in relation to their circumstances, at

the end of each 12 month period. If this condition is not complied with the licence holder will be brought before the Environment and Licensing Committee

9. Statement of Fares

The driver of a Hackney Carriage shall ensure that a statement of fares or rates of fares currently in force in the district shall be displayed at all times and shall not be concealed or rendered illegible at any time while the Hackney Carriage is plying, or being used, for hire.

10. Taxi Meters and Data Systems

- A When the Licensee is driving a vehicle equipped with a taximeter they shall:-
- (a) when the vehicle is not hired keep the taximeter locked in the position in which no fare is recorded on the face of the taximeter.
 - (b) at the commencement of the journey when the vehicle is being used as a Hackney Carriage and is hired by distance, bring the machinery of the taximeter into action 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.
 - (c) be entitled to demand and take for the hire of the vehicle, when used as a Hackney Carriage by distance the rate of fare indicated in the statement displayed inside the vehicle in accordance with Condition 7B of the Council's Conditions for a Hackney Carriage Vehicle, provided always that the Licensee shall not take or demand a fare greater than that shown on the face of the taximeter.
 - (d) ensure that during the time the vehicle is hired by distance the display of the taximeter is plainly visible to any person travelling in the vehicle and is properly illuminated.
 - (e) not wilfully or negligently cause or suffer the letters or figures in the statement displayed inside the vehicle, in accordance with Condition 7B of the Council's Conditions for a Hackney Carriage Vehicle Licence, to be concealed or rendered illegible at any time.
- B the driver of a Hackney Carriage shall not tamper with or permit any person other than an authorised officer to tamper with any taxi meter, fittings or seals provided in the Hackney Carriage, provided that any necessary repairs may be carried out subject to prior notification to the Council.
- C vehicles must be presented for inspection by the Council as soon as is reasonably practicable following any adjustments or repairs to the taxi meter.
- D the driver shall ensure that when the vehicle is not undertaking a hire journey, no fare is recorded on the face of the meter.
- E on commencement of a journey the driver shall bring the meter into action and keep the meter in action until the termination of the hiring.

- F the driver shall cause the meter to be properly illuminated throughout any part of the hiring which is during the hours of darkness and at any other time if requested to do so by the hirer of the Hackney Carriage.
- G the meter switch must be independent of the roof sign illumination switch.
- H the driver must not charge a fare higher than that displayed on the meter at the termination of the journey.

11. Proceeding to Ranks

The driver of a 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.
- B if a stand, at the time of his arrival, is occupied by the full number of Hackney Carriages authorised to occupy it, proceed to another stand.
- C on arriving at a stand not already occupied by the full number of hackney carriages authorised to occupy it, park the carriage immediately behind the carriages already on the stand so as to face the same direction.
- D from time to time when any other hackney 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 hackney carriage driven off or moved forward.

12. Lost Property

Any property left in a Hackney Carriage shall, within twenty four hours, be taken by the driver, to the nearest police station.

13. Change of Address

The driver shall give notice to the Council of any change of his/her address, during the period of the licence, within seven days of such change taking place.

14. Convictions, Motoring Offences and Charges Pending

The driver shall, within seven days, disclose to the Council, in writing, details of any convictions, motoring offences or any charges pending incurred by him/her during the period of the Licence.

15. Accidents

The Proprietor shall within seventy two hours of any accident involving the vehicle, report in writing such occurrence to the Council.

PENALTIES

The Local Government (Miscellaneous Provisions) Act 1976 provides that any person who acts in contravention of the provisions of Part II of the Act, shall be guilty of an offence and may be liable on summary conviction to a fine not exceeding £1,000 where no other specific penalty is expressed. In addition, such action may lead to the suspension or revocation of an existing Licence or the non-renewal of such a Licence.

Your attention is drawn to the various provisions contained in the 1976 Act which you are advised to obtain and read carefully.

N.B. These conditions are additional to the statutory requirements relating to Hackney Carriages contained in the Town Police Clauses Act 1847 (and any byelaws made thereunder) and the Local Government (Miscellaneous Provisions) Act 1976.



Private Hire Driver's Licence Conditions

Definitions

"Authorised Officer" means any Officer authorised in writing by the Council for the purposes of these conditions.

"The Council" means Gedling Borough Council.

"Proprietor" means the person or persons or body named in the licence as the Proprietor of the Private Hire Vehicle and includes part Proprietors and in relation to a vehicle subject to a hiring agreement or a hire purchase agreement, means the person in possession of the vehicle under that agreement.

"Private Hire Vehicle" or "Vehicle" means the private hire vehicle licensed by the Council under the Local Government (Miscellaneous Provisions) Act 1976.

"The Operator" means a person holding a Licence to operate Private Hire Vehicles issued pursuant to Section 55 of the Local Government (Miscellaneous Provisions) Act 1976.

"1976 Act" means the Local Government (Miscellaneous Provisions) Act 1976.

1. Assignment of Licence

The Licensee shall not assign or in any way part with the benefit of the Licence. It is personal to the Licensee.

2. Deposit of Licence with Hackney Carriage Proprietor

The Licence shall be delivered to and deposited with the Proprietor of the Private Hire Vehicle or with the Operator, if applicable.

3. Drivers Badge

The driver shall;

- A at any time while the vehicle is plying for hire or being hired wear, in a conspicuous position so as to be clearly visible, one of two drivers badge issued by the Council.
- B mount the identity badge holder inside the vehicle in such a location that it can be seen from all seats within the vehicle. One of the two drivers badges issued by the Council is to be mounted in the holder at any time while the vehicle is plying for hire or being hired.
- C return his/her badges to the Council as soon as the Licence ceases to be in force.

4. Conduct of Driver

The driver shall;

- A afford all reasonable assistance with passengers' luggage.
- B be clean and respectable in his/her dress and person and behave in a civil and orderly manner.
- C take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him/her.
- D not, without the express consent of the hirer, drink or eat in the vehicle whilst it is being hired.
- E at no time cause or permit the noise emitted by any device in the vehicle which he/she is driving, to be a source of nuisance or annoyance to any person whether inside or outside the vehicle.
- F not smoke or permit passengers to smoke in the vehicle at any time.
- G not use or permit passengers to use E-Cigarettes, Personal vaporizers or Electronic Nicotine Delivery Systems within the vehicle at any time

5. Prompt Attendance

The driver of a Private Hire 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 reasonable cause, punctually attend.

6. Destination

The driver of a Private Hire vehicle when hired to a particular destination shall not, without reasonable cause, unnecessarily prolong in distance, or in time, the journey for which the vehicle has been hired.

7. Passengers

- A The driver shall not convey or permit to be conveyed in a Private Hire vehicle a greater number of persons than that prescribed in the Licence the vehicle.

- B The driver shall not allow more than one passenger to be conveyed in the front seat of the Private Hire vehicle, unless more than one seat is provided for passengers.
- C The driver shall not, without the consent of the hirer of the Private Hire vehicle convey or permit to be conveyed any other person in the vehicle.
- D The driver may, at his/her discretion, convey animals or pets, provided that the driver shall not refuse to convey guide dogs for the blind.

8. 12 month declaration

For licences issued for more than one year but less than three years the licence holder will sign and submit a declaration to the Council in relation to their circumstances, at the end of each 12 month period. If this condition is not complied with the licence holder will be brought before the Environment and Licensing Committee

9. Lost Property

Any property left in a Private Hire Vehicle shall, within twenty four hours, be taken by the driver, to the nearest police station.

10. Change of Address

The driver shall give notice to the Council of any change of his/her address, during the period of the licence, within seven days of such change taking place.

11. Accidents

The Proprietor shall within seventy two hours of any accident involving the vehicle, report in writing such occurrence to the Council.

12. Convictions, Motoring Offences and Charges Pending

The driver shall, within seven days, disclose to the Council, in writing, details of any convictions, motoring offences or any charges pending incurred by him/her during the period of the Licence.

PENALTIES

The Local Government (Miscellaneous Provisions) Act 1976 provides that any person who acts in contravention of the provisions of Part II of the Act, shall be guilty of an offence and may be liable on summary conviction to a fine not exceeding £1,000 where no other specific penalty is expressed. In addition, such action may lead to the suspension or revocation of an existing Licence or the non-renewal of such a Licence.

Your attention is drawn to the various provisions contained in the 1976 Act which you are advised to obtain and read carefully.

N.B. These conditions are additional to the statutory requirements relating to Hackney Carriages contained in the Town Police Clauses Act 1847 (and any byelaws made thereunder) and the Local Government (Miscellaneous Provisions) Act 1976.



CONDITIONS OF OPERATORS LICENCES

1. A The Operator shall enter in a suitable book, 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 the booking is received and shall include the following:-
 - (i) The time and date of each booking;
 - (ii) By what method the booking was received, ie telephone or personal call;
 - (iii) Journey from.....to.....
 - (iv) The name of the hirer;
 - (v) The Private Hire Licence Plate number of the vehicle given the booking.
- B An alternative method of record keeping may be used with the approval of the Council.
- C The records shall be kept for a period of not less than two years, or longer if required to do so, by an Authorised Officer of the Council.
- D These records shall be produced on request to any Constable or Authorised Officer of the Council.
2. A The Operator shall maintain at his premises, particulars of all vehicles operated by him which shall include the following:-
 - (i) The licence plate number;

- (ii) The registration number;
- (iii) The name and address of the proprietor;
- (iv) The name(s) and address(es) of the driver(s) of above vehicles;
- (v) The badge number(s) of the driver(s).
- (vi) Licences for all vehicles and drivers.

B The above records are to be produced on request to any Constable or authorised officer.

C The Council must be informed in writing, within 7 days of any changes in particulars mentioned in item 2A above.

3. 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.
4. No Operator of a private hire vehicle which is licensed by the Authority 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.
5. Every Operator of Private Hire vehicles who accepts a booking for a Private Hire vehicle for an appointed time and place, shall give the booking to a vehicle, allowing sufficient time for the vehicle to punctually attend.
6. If provision is made by the Operator on his premises for the reception of members of the public proposing to hire a vehicle, he will ensure that his premises are at all times in a clean and tidy condition and that adequate arrangements are made for the seating of customers within the premises.
7. The Operator in his capacity as Operator and without prejudice to any other liabilities imposed under the Local Government (Miscellaneous Provisions) Act 1976 shall use his best endeavours to ensure that drivers of vehicles owned, controlled or operated in association with the Operator shall observe and perform the conditions of their Private Hire Driver's Licence and that vehicles shall conform to their Private Hire Vehicle Licence.
8. Only Hackney Carriages, Hackney Carriages operating as Private Hire vehicles and Private Hire Vehicles licensed by the Council, may operate from the licensed premises.
9. The maximum number of vehicles which the Operator may operate is that shown on the Licence. The Operator may not operate vehicles in excess of this number unless he has first paid the required fee to the Council. The maximum number of vehicles referred to includes vehicles licensed as hackney carriages where these vehicles are being operated for private hire.
10. The Operator shall not, knowingly without the prior written consent of the Council, employ or be employed by, engage in partnership with, or allow or suffer any involvement in the management of the operator hereby licensed:-

- (i) 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.
 - (ii) any person who, for the purposes of Part 11 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.
11. The Operator, when accepting bookings under the terms and conditions of this licence shall only operate drivers and vehicles licensed by the Council.

12. Any advertisement indicating that a vehicle can be hired on application to a specified address or telephone number, being the address or telephone number of premises in the District, or on or near any such premises, indicating that the vehicle can be hired at those premises shall NOT include the word "taxi" or "cab" whether in singular or plural or any word of similar meaning or appearance to either of those words and whether alone or as part of another word.
13. If in the event that the operator dismisses a driver, for whatever reason, that the details be reported to the Council in writing, within seven days of the dismissal.
14. For licences issued for more than one year but less than five years the licence holder will sign and submit a declaration to the Council in relation to their circumstances at the end of each 12 month period. If this condition is not complied with the licence holder will be brought before the Environment and Licensing Committee.

PENALTIES

The Local Government (Miscellaneous Provisions) Act 1976 provides that any person who acts in contravention of the provisions of Part 11 of the Act, shall be guilty of an offence and liable to summary conviction to a fine currently not exceeding £1,000 (One thousand pounds). In addition, such action may lead to the suspension or revocation of an existing Licence or the failure to renew such a Licence.

NB: Your attention is drawn to the various provisions contained in the 1976 Act, which you are advised to obtain and read carefully.

This page is intentionally left blank