



## TO THE CHAIRMAN AND MEMBERS OF THE **LICENSING COMMITTEE**

You are hereby summoned to attend a meeting of the Licensing Committee to be held on Tuesday, 10 October 2017 at 6.30 pm in the Council Chamber, Civic Offices, Gloucester Square, Woking, Surrey GU21 6YL.

The agenda for the meeting is set out below.

RAY MORGAN  
Chief Executive

NOTE: Filming Council Meetings

Please note the meeting will be filmed and will be broadcast live and subsequently as an archive on the Council's website ([www.woking.gov.uk](http://www.woking.gov.uk)). The images and sound recording will also be used for training purposes within the Council. Generally the public seating areas are not filmed. However by entering the meeting room and using the public seating area, you are consenting to being filmed.

## **AGENDA**

### **PART I - PRESS AND PUBLIC PRESENT**

1. Minutes

To approve the minutes of the meeting of the Licensing Committee held on 7 June 2016 and 22 May 2017 as published.

2. Declarations of Interest

To receive declarations of disclosable pecuniary and other interests from Members in respect of any item to be considered at the meeting.

3. Urgent Business

To consider any business that the Chairman rules may be dealt with under Section 100B(4) of the Local Government Act 1972.

### **Matters for Recommendation**

4. Review of Scheme of Delegations (Pages 1 - 4)

Reporting Officer – Joanne McIntosh

## **Matters for Determination**

5. Hackney Carriage and Private Hire Taxi Drivers Handbook (Pages 5 - 100)  
Reporting Officer – Joanne McIntosh
  
6. Surrey-wide Convictions Policy (Pages 101 - 120)  
Reporting Officer – Joanne McIntosh

AGENDA ENDS

Date Published - 2 October 2017

For further information regarding this agenda and arrangements for the meeting, please contact Doug Davern on 01483 743018 or email [doug.davern@woking.gov.uk](mailto:doug.davern@woking.gov.uk)



**Mixed Sources**

Product group from well-managed  
forests and other controlled sources  
[www.fsc.org](http://www.fsc.org) Cert no. SA-COC-001794  
© 1996 Forest Stewardship Council

## LICENSING COMMITTEE – 10 OCTOBER 2017

### REVIEW OF SCHEME OF DELEGATIONS

#### Executive Summary

It is proposed that the Scheme of Delegations be updated to delegate powers to the Legal Services Manager to ensure that the Licensing Team can carry out their daily duties.

#### Recommendations

The Committee is requested to:

**RECOMMEND TO COUNCIL** That authority be delegated to the Legal Services Manager to:

- (i) authorise named officers of the Licensing Team to be “authorised persons” for the purposes of the Licensing Act 2003; and
- (ii) authorise named officers of the Licensing Team to be “authorised officers of the Council” for the purposes of the Local Government (Miscellaneous Provisions) Act 1976.

**This will need to be dealt with by way of a recommendation to the Council.**

#### Background Papers:

None

#### Reporting Person:

Joanne McIntosh, Legal Services Manager  
Ext. 3038, E Mail: Joanne.Mcintosh@woking.gov.uk

#### Contact Person:

Joanne McIntosh, Legal Services Manager  
Ext. 3038, E Mail: Joanne.Mcintosh@woking.gov.uk

#### Date Published:

2 October 2017



### 1.0 Introduction

- 1.1 Woking Borough Council has adopted a Constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. The Council exercises all its powers and duties in accordance with the law and the Constitution.
- 1.2 The Constitution is reviewed from time to time, to ensure that it is up to date and that it provides sufficient delegated power to allow officers to undertake their duties on a daily basis and in case of an emergency. Part 3 of the Constitution, Responsibility for Functions, Management Arrangements and Scheme of Delegations lists the powers, duties and functions which are delegated to Officers.
- 1.3 The Legal Services Manager has powers to determine applications for licences in respect of Taxi and Private Hire Licensing, Revocation/Suspension of Licences (in consultation with the Chairman of the Licensing Committee) and to carry out functions of the Licensing Policy. These can be found on page 115 of the Constitution. The Council's Constitution can be found at <https://www.woking.gov.uk/council/decisions/constitution> It is not proposed to amend these delegations at this time.
- 1.4 It is proposed that the Scheme of Delegations be updated to delegate further powers to the Legal Services Manager to ensure that the Licensing Team can carry out their daily duties.
- 1.5 Authority is sought to authorise named officers of the Licensing Team to be "Authorised Persons" for the purposes of the Licensing Act 2003
- 1.6 As an Authorised Person under the Licensing Act 2003 the named officers will be able to carry out a variety of routine functions by virtue of their authorisation. These functions include the right to request Premise Licences, Club Premise Certificates and Temporary Event Notices be produced. It also gives an authorised person the right to enter premises with a view to seeing whether licensable activities are taking place.
- 1.7 Further authority is sought to authorise named officers of the Licensing Team to be "authorised officers of the Council" for the purposes of the Local Government (Miscellaneous Provisions) Act 1976.
- 1.8 This authorisation will allow the named officers to carry out a variety of routine functions under the Local Government (Miscellaneous Provisions) Act 1976 by virtue of their authorisation. These functions include the right to request the proprietor of any Hackney Carriage or Private Hire licenced by the Council produce their vehicle licence, drivers licence and/or Insurance documents. An authorised person also has the right to inspect and test any vehicle for the purpose of ascertaining its fitness and if not satisfied suspend the licence forthwith. An example of this being the ability to suspend a vehicle licence if the vehicle has bald tyres until the tyres have been replaced.

### 2.0 Implications

#### Financial

- 2.1 None

#### Human Resource/Training and Development

- 2.2 None

Community Safety

- 2.3 The delegation of officers as authorised persons shall ensure that the Licensing Team can carry out their function and duties to ensure that safety standards are maintain throughout the Borough.

Risk Management

- 2.4 None.

Sustainability

- 2.5 None.

Equalities

- 2.6 None.

**3.0 Conclusions**

- 3.1 That it be recommended that authority be delegated as outlined above to the Legal Services Manager to ensure that the Licensing Team can carry out routine duties.

REPORT ENDS

## LICENSING COMMITTEE – 10 OCTOBER 2017

### HACKNEY CARRIAGE AND PRIVATE HIRE TAXI DRIVERS HANDBOOK

#### Executive Summary

The attached Hackney Carriage and Private Hire Taxi Drivers Handbook (the Handbook) is a consolidation and clarification of the Council's current practice and policy. It is proposed that any future policy including a CSE policy, once adopted, will be attached to the Handbook.

#### Reasons for Decision

To provide a clear and concise Handbook for drivers in respect of the Council's current practice and policy and to provide an opportunity for comment upon the same.

#### Recommendations

The Committee is requested to:

##### RESOLVE That

- (i) the Hackney Carriage and Private Hire Taxi Drivers Handbook, attached as Appendix 1, be introduced as detailed in the report.
- (ii) the Hackney Carriage and Private Hire Taxi Drivers Handbook shall be updated (when appropriate) to reflect the adoption, revocation or amendment of policy and practice by the Council in respect of the Council's Licensing functions.

<b>The Committee has authority to determine the above recommendations.</b>
--

#### Background Papers:

None.

#### Reporting Person:

Joanne McIntosh, Legal Services Manager  
Tel: 01483 743038, Email: Joanne.McIntosh@woking.gov.uk

#### Contact Person:

Joanne McIntosh, Legal Services Manager  
Tel: 01483 743038, Email: Joanne.McIntosh@woking.gov.uk

Matthew Cobb, Senior Licensing Officer  
Tel: 01483 743650, Email: Matthew.Cobb@woking.gov.uk

#### Date Published:

2 October 2017



## 1.0 Introduction

- 1.1 The proposal to introduce a Hackney Carriage and Private Hire Taxi Drivers Handbook is to ensure that the Council's policy and practice is easily accessible and understandable for both drivers within the Borough and the Licensing Team responsible for the same.
- 1.2 The Handbook provides clarity as to the Council's position and procedures in respect of carrying out its Licensing Function.
- 1.3 It is important to note that the Handbook does not seek to introduce new policy or practice but to simply consolidate that already adopted and routinely followed by the Licensing Team.
- 1.4 It is proposed that the Handbook shall act as a "living" document and should any policy be adopted, amended or revoked by Council then authority is sought to amend the Handbook accordingly. This will ensure that the Handbook is at all times a complete and relevant document. For example should the Council adopt the proposed Surrey wide convictions policy and mandatory CSE training then the Handbook shall be updated to include the same.
- 1.5 Further to this, over the next cycle of Licensing Committees it is proposed to bring forward proposals for consideration of the introduction of Modern Slavery, Citizenship and Customer Services training for drivers. Such training shall assist and protect both drivers and those using the service. Should these, or any other forms of training, be introduced then they shall be included in the Handbook.
- 1.6 The Handbook will be accessible through the Council's website. It is intended that drivers shall be notified of the introduction of the Handbook and any subsequent amendment. Given the size of the document and number of current drivers within the Borough it is not proposed to produce hard copies for circulation.

## 2.0 Implications

### Financial

- 2.1 None

### Human Resource/Training and Development

- 2.2 None

### Community Safety

- 2.3 None

### Risk Management

- 2.4 None

### Sustainability

- 2.5 None

### Equalities

- 2.6 None

### 3.0 Conclusions

- 3.1 The proposal to introduce a Hackney Carriage and Private Hire Taxi Drivers Handbook shall ensure that the Council's policy and practice is easily accessible and understandable for both drivers within the Borough and the Licensing Team responsible for the same. This will benefit both the drivers and Licensing Team by ensuring that there is a clear and transparent practice applicable to the trade.

REPORT ENDS



**Woking Borough Council**  
**Hackney Carriage & Private Hire**  
**Licensing Handbook**

**July 2017**

## POLICY CONTENTS

<b>Section:</b>		<b>Page No.</b>
1	Glossary of Terms	1
2	Introduction	3
3	Clarification of sections	3
4	Vehicles - (Hackney Carriage & Private Hire)	4
5	Drivers - (Hackney Carriage & Private Hire)	12
6	Disciplinary and Enforcement Measures	20
7	Offences	21
8	Delegated Powers	22
9	Private Hire Operators	23
10	Fares	25
11	Fees	25
12	Equality and Diversity	25
<b>LIST OF APPENDICES</b>		
A	Vehicle Specifications	28
B	Guidelines Relating to the Relevance of Convictions	35
C	Drivers - The Testing of Applicants	46
D	Code of Good Conduct for Licensed Drivers	48
E	Licensing and Enforcement Practice	51
F	Guidelines for Dealing with Offences During the Term of a Licence	55
G	Private Hire Operator's Licence Conditions	59
H	Private Hire Driver's Licence Conditions	58
I	Hackney Carriage Driver's Licence Conditions	66
J	Hackney Carriage Vehicle Licence Conditions	71
K	Private Hire Vehicle Licence Conditions	76
L	Requirement For Dispensation Discs	80
M	Wheelchair Accessible Vehicle Conditions	82
N	Wheelchair Accessible Replacement Vehicles Policy	85
O	The Use of CCTV in Licenced Vehicles	88

## 1. GLOSSARY OF TERMS

Throughout this document:

"**The Council**" means Woking Borough Council of Civic Offices, Gloucester Square, Woking GU21 6YL.

"**The Borough**" means the geographical area of Woking Borough Council.

"**The Licensing Authority**" means Woking Borough Council.

"**Driver's Licence**" means a licence granted by the Council to drive a Taxi or a Private Hire Vehicle under Section 46, Town Police Clauses Act 1847 or Section 51, Local Government (Miscellaneous Provisions) Act 1976 (as amended) respectively.

"**Licence**" means a vehicle licence granted by the Council under Section 37, Town Police Clauses Act 1847 or Section 48, Local Government (Miscellaneous Provisions) Act 1976 (as amended).

"**Licensee**" means the holder of a licence.

"**Licensing Officer**" and "**Authorised Officer**" are the officers appointed, from time to time, by the Council to administer the statutory provisions relating to the licensing of Taxis and Private Hire Vehicles within the Council's administrative area.

"**Operator**" is the holder of a Private Hire Operator's (PHO) Licence granted by the Council under Section 55 of the Local Government (Miscellaneous Provisions) Act 1976 (as amended).

"**Private Hire Vehicle**" (PHV) is, as defined in Section 80(1) of the Local Government (Miscellaneous Provisions) Act 1976 (as amended), a car which must be pre-booked with a Private Hire Operator. This type of vehicle cannot stand in a rank or ply for hire.

"**Taxi**" means a Hackney Carriage (HC) as defined in the Town Police Clauses Act 1847. A vehicle that can carry passengers for hire or reward can be hailed by a prospective passenger and can park on a rank to await the approach of passengers; a car available for public hire.

"**Taxi Proprietor**" means the holder of a vehicle licence granted by the Council under Section 37, Town Police Clauses Act 1847.

"**Vehicle**" or "**Licensed Vehicle**" means either a Taxi or Private Hire Vehicle.

"**Internal Vehicle licence**" is a laminated replica of the licence plate issued by the Council on the grant and renewal of the licence giving details of the vehicle and licence for display within the vehicle.

"**Licence Plate**" is the plate issued by the Council in respect of a Taxi under Section 51 Town Police Clauses Act 1847 and in respect of a Private Hire Vehicle under Section 48(5) Local Government (Miscellaneous Provisions) Act 1976 (as amended).

"**DfT**" means Department for Transport.

**“Fit and Proper Person”** A person who is of no threat to the general public, has a good character and is therefore deemed fit and able to hold a licence.

**“DBS”** means Disclosure and Barring Service.

**“Conviction”** Judicially determining that someone is guilty of a crime.

**“Mitigating Circumstances”** The circumstances surrounding a conviction. These circumstances may alter the seriousness of a crime.

**“Plying for Hire”** To actively invite (touting) or respond to a hail for a Taxi with the intent to charge a specific fare for the service.

**“Rehabilitation”** The period sufficient to demonstrate that a person has repented (?) of their crimes and is unlikely to re-offend.

**“Revoke”** To take back something – a licence- permanently.

**“Suspend”** To hold something – a licence- away from its owner for a period of time.

**“Written Warning”** A letter advising that, although a conviction was not serious enough to have warranted the suspension or revocation of the licence, the offence committed was unacceptable and has caused concern among the Sub-committee as to the suitability to hold such a licence such that any further repetition of such conduct is likely to lead to suspension or revocation.

**“LGMPA 1976”** Local Government (Miscellaneous Provisions) Act 1976.

## **2. INTRODUCTION**

### **2.1 Powers and Duties**

This statement of licensing practice has been produced pursuant to the powers conferred by the LGMPA 1976, as amended, which places on The Council the duty to carry out licensing functions in respect of Hackney Carriage and Private Hire vehicles, drivers and Operators.

### **2.2 Objectives**

2.2.1 In setting out its handbook, the Council seeks to promote the following objectives:

- a. The protection of public health and safety;
- b. The maintenance of a professional and respected Hackney Carriage and Private Hire trade;
- c. Access to an efficient and effective transport service; and
- d. The protection of the environment.

2.2.2 The aim of the licensing process, in this context, is to regulate the Hackney Carriage and Private Hire trade in order to promote the above objectives. It is the Council's wish to facilitate well-run and responsible businesses which display sensitivity to the wishes and needs of the general public.

### **2.3 Regulatory Functions**

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

2.3.2 Notwithstanding the existence of this handbook, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Council to depart substantially from its practice, clear and compelling reasons will be given for doing so.

## **3. CLARIFICATION OF SECTIONS**

3.1 In order to provide clarity for potential applicants for licences and current licence holders, this document sets out the Council's expectations, intentions and guiding principles under the following headings:

Vehicles (section 4);  
Drivers (section 5);  
Disciplinary and enforcement measures (section 6);  
Offences (section 7);  
Delegated powers (section 8)  
Private Hire Operators (section 9);  
Fares (section 10);  
Fees (section 11);  
Equality and Diversity (section 12)

## **4. VEHICLES – (Hackney Carriage & Private Hire)**

### **4.1 Specifications and Conditions**

- 4.1.1 DfT Best Practice Guidance suggests that local licensing authorities should specify as many different types of vehicle as possible. **Appendix A** sets out the minimum standards for Hackney and Private Hire Vehicles.
- 4.1.2 The Council is empowered to impose such conditions, as it considers reasonably necessary, in relation to the grant of a Hackney Carriage or Private Hire vehicle licence. **Appendix J** and **Appendix K** set out the conditions which are considered reasonably necessary and appropriate for all vehicles and which will therefore be imposed as standard conditions on all licences, unless there are exceptional circumstances requiring different conditions in any particular case.
- 4.1.3 The Council can only licence vehicles for the carriage of up to (but no more than) eight passengers provided there is compliance with the specifications applicable to such vehicles.

### **4.2 Vehicle Accessibility**

- 4.2.1 The government proposes to implement the Taxi provisions of the Disability Discrimination Act 1995 (which has been enhanced by the Equalities Act). The Council is working towards a fleet of accessible Hackney Carriage vehicles for the future.
- 4.2.2 The Council is committed to social inclusion and ensuring a wide variety of opportunities are accessible for any residents.
- 4.2.3 Different accessibility considerations apply between Taxis and PHVs. Taxis can be hired on the spot – in the street or at a rank – by the customer dealing directly with a driver, whereas PHVs can only be booked through an Operator.
- 4.2.4 It is important that any person should be able to hire a Taxi on the spot with the minimum delay and inconvenience, and having accessible Taxis available helps make that possible.
- 4.2.5 New Hackney Carriage plates (licences) will only be issued to those vehicles that meet Woking Borough Councils Wheelchair Accessible Policy. **Appendix M** sets out the requirements for new Hackney Carriage plates and **Appendix N** sets out the requirements for replacing wheelchair accessible Hackney Carriage vehicles.

### **4.4 Maximum Age of Vehicles**

- 4.4.1 In the interests of the public and in order to improve reliability, safety, and the overall standards of the vehicles licensed by the Council: -
- 4.4.2 When a vehicle is first presented for licensing as a non-wheelchair accessible vehicle (saloon/estate/MPV) it shall meet the requirements of the Euro Emissions Standard. Currently this is Euro Emissions Standard V (five), however from the 20<sup>th</sup> January 2022, this becomes Euro Emissions Standard VI (six). From this point all non-wheelchair accessible vehicles must be Euro Emissions Standard VI (six). The vehicle will remain available for licensing, subject to passing the inspection process,

until it is twelve (12) years old or until it no longer meets the Euro Emissions Criteria, whichever is sooner.

- 4.4.3 Under the same conditions, a wheelchair accessible vehicle shall be brand new on the first date of licensing, and will remain available for licensing - subject to passing the inspection process - until it is twelve (12) years old (**see Appendix M for more details**).

#### **4.5 Vehicle Testing**

- 4.5.1 DfT Best Practice guidance suggests that older vehicles should be tested twice yearly. As such, a vehicle that is 0-3 years old (as per the date of its first registration) will require one vehicle inspection per year (prior to being issued a licence and prior to renewing that licence). However vehicles that are older than three years (as per the date of first registration) will be required to have twice yearly vehicle inspections (one prior to being issued a licence or renewing, and one inspection six months into the licence year). Vehicle inspections must take place at one of the nominated testing stations approved by the Council.
- 4.5.2 It is the responsibility of the licence holder to arrange their vehicle inspections. Whilst the council endeavours to send out reminders, it is not always possible and, as such, the licence holder must take responsibility.
- 4.5.3 It is a condition of the licence that vehicles older than three years (from date of first registration) have a six month vehicle inspection. As a result, failure to comply with this condition will constitute a breach of the licence. Continuing to operate a licenced vehicle without having had the six month mid year vehicle inspection will be treated as a breach of the licence and dealt with accordingly.
- 4.5.4. If a vehicle that is required to have had a 'six month' inspection is presented for renewal without evidence of a six month inspection having taken place, the Licensing Authority may be minded to issue a shorter term licence to prevent such incident taking place again.

#### **4.6 Maintenance and Condition of the Vehicle**

A vehicle can only be tested up to 3 times in any 12 month period as per section **50 (1) of the LGMPA 1976**. The vehicle may also be examined at any time by an officer of the council (**section 68 LGMPA 1976**). If upon inspection it is discovered that a vehicle is not being properly maintained, or kept in good order, a notice may be served on the owner to this effect, setting out the defects to be remedied. If public safety is compromised by the defects, the further use of the vehicle may be prohibited until the defects have been addressed and the vehicle has successfully undergone a further inspection.

##### **4.6.1 MOT advisories**

- 4.6.1.1 By the very nature of their work hackney carriages and private hire vehicles are subjected to frequent use and high mileage. They will reach the stage where a Mot advisory becomes a danger to the public in a shorter period of time than they would on a vehicle in normal use, perhaps catching drivers unawares and endangering the public.

4.6.1.2 Vehicles will be refused a licence for any advisory on a Mot which advises on the following areas unless evidence is produced to show that the advisory point has been repaired or replaced (this would typically involve the showing of a receipt for the work done):

- (a) Any part of the steering mechanism
- (b) Any part of the braking system
- (c) Tyres
- (d) Any part of the suspension system

4.6.1.3 Those vehicles which have advisories following a 6 monthly Mot (i.e. between licensing) will be expected to have the advisories remedied normally no longer than 15 working days from the date of the Mot and produce evidence of repair to the licensing authority. Failure to have the repairs carried out and / or produce evidence of such would lead to consideration of suspension of the vehicle licence.

## **4.7 Signage/Advertising**

4.7.1 It is important that the public are able to easily distinguish each type of vehicle. Members of the public can often confuse Private Hire Vehicles with Taxis, failing to realise that Private Hire Vehicles are not available for immediate hire and that a Private Hire Vehicle driver cannot legally respond to a hail in the street.

4.7.2 PHVs display the local authority licence plate. Some clearer identification is, however, seen as best practice. This is for two reasons: firstly, to ensure a more positive statement that the vehicle cannot be hired immediately through the driver, and secondly because it is quite reasonable, and in the interests of the travelling public, for a PHV Operator to be able to state on the vehicle the contact details for hiring.

4.7.3 Roof-mounted signs will not be permitted on PHV's even if they indicate 'pre-booked only' as any roof-mounted sign, however unambiguous its words, is liable to create confusion with a Taxi.

4.7.4 Within the Woking Borough Council area, both Hackney Carriage and Private Hire vehicles are required to display an internal plate on the front windscreen and an external plate at the rear of the vehicle. This is a key feature in helping to identify vehicles that are properly licensed.

4.7.5 Private Hire vehicles are required to display yellow internal and external Private Hire plates, whilst Hackney Carriage vehicles display white coloured plates internally and at the rear of the vehicle.

4.7.6 All Hackney Carriage vehicles, except vehicles with built-in roof signs, must carry illuminated roof-mounted signs indicating that they are a Taxi. This will allow differentiation between the two types of licensed vehicle. Any vehicles which do not have built in roof signs, will have to display a roof sign with the single word "Taxi" together with the Woking Borough Council crest on the front and back.

4.7.7 It is further proposed that some advertising, generally limited to the proprietor's company name, logo and telephone number along with details of fare scales or discounts given by the owner/proprietor, be allowed on vehicles. Such advertising shall be kept to a minimum on Private Hire vehicles with more latitude being allowed for Hackney Carriages. Full details of the proposed conditions in respect of advertising are set out in Sections 15 and 13 of **Appendix J** and **Appendix K** respectively.

## 4.8 Security / CCTV

- 4.8.1 The installation of security measures, such as a screen between the driver and passengers or CCTV systems, as a means of providing some protection for the vehicle/the occupants/drivers is acceptable. The CCTV system must have an encrypted recorder that only the Police and Council can access.
- 4.8.2 Such measures should be left to the judgement of the owners and drivers of the vehicles themselves. The Taxi and PHV trades are, however, encouraged to build good links with the local Police, including participation in any Town Centre Safety or Crime and Disorder Reduction Partnerships if they are minded to do so.
- 4.8.3 Further details on the use of CCTV in licenced vehicles is covered in **Appendix O**.

## 4.9 Application Procedures

- 4.9.1 As a licenced vehicle may only be driven by a licenced driver, it is important that a named person at each company is licenced to drive that vehicle (whether it be on the roads or around the yard) when not being rented or loaned out. As such, any application for a new / renewal of a Private Hire Vehicle licence must be accompanied by the details of a Hackney Carriage / Private Hire Licensed driver, including in situations where the licence is technically issued to a company rather than an individual. These details also enable Woking Borough Council Licensing Department to retain accurate records of persons responsible for any matters pertaining to said vehicle licence.
- 4.9.2 An application for a Hackney Carriage or Private Hire vehicle licence must be made on the specified form in accordance with the following procedure.

### Vehicle Licences – (Hackney Carriage and Private Hire)

When presenting an application, the following documents **MUST** accompany the application form: -

1. **V5 REGISTRATION BOOK** or Bill of Sale (which must show the vehicle as belonging to the applicant either wholly or jointly with any other person(s) hereinafter described as proprietor(s) thereof);
  2. **INSURANCE CERTIFICATE** (if a cover note, applicants will be required to produce further insurance certificates on or before the expiry of the cover note).
  3. **VEHICLE INSPECTION PASS PAPERS** as issued by the authorised garage or company that have carried out the vehicle inspection.  
If the vehicle is older than three years, the application must also be accompanied by
  4. **THE SIX-MONTH VEHICLE INSPECTION PASS PAPERS**
  5. **THE MOST RECENT VALID MOT CERTIFICATE**
- 4.9.2 Vehicle inspection appointments are to be arranged between the vehicle licence holder and the garage carrying out the test. Woking Borough Council does not arrange these appointments.

- 4.9.3. Prior to submitting the vehicle for testing, owners must ensure that the vehicle is in good condition, i.e. mechanically sound and bodywork in a satisfactory condition.
- 4.9.4 When a vehicle is successfully tested it should be licensed at the Council Offices as soon as practicable.

#### **Proprietorship Declaration**

- 4.9.5. Before a Hackney Carriage/Private Hire licence is granted, a 'Proprietorship Declaration' shall be made and signed by the proprietor, or one of the proprietors, of the Hackney Carriage/Private Hire vehicle in respect of which such licence is applied for, in the form of an application sheet.
- 4.9.6. In every such application, the forename, surname and registered address shall be given of:
- a) the person applying for such licence, and
  - b) every proprietor or part proprietor of such carriage, or
  - c) any person concerned, either solely or in partnership with any other person, in the keeping, employing or letting to hire of such carriage.
- 4.9.7 Any person, who wilfully omits to specify the name of any person who is a proprietor or part- proprietor of a Hackney Carriage or Private Hire Vehicle, or who is concerned in the keeping, employing or letting to hire of such Carriage, shall be guilty of an offence.
- 4.9.8. The names that appear on the Proprietorship Declaration will be entered on to the Hackney Carriage/Private Hire vehicle licence. Every such licence shall specify the forename, surname and registered address of every person who is a proprietor or part proprietor of the Hackney Carriage/Private Hire vehicle in respect of which such licence is granted, or who is concerned, either solely or in partnership with any other person, in the keeping, employing or letting to hire of any such Carriage.

#### **4.10 Grant and Renewal of Vehicle Licences**

- 4.10.1 Whilst it is normal for vehicle licences to be issued for 1 year, as per section 48 of the LGMPA 1976, DfT Guidance makes no recommendations in respect of the duration of Hackney Carriage or Private Hire vehicle licences.
- 4.10.2 It is, therefore, proposed that Hackney Carriage or Private Hire vehicle licences will be granted for a one year period from the date of grant, subject to the power to grant a licence for a shorter period, should this be appropriate in the circumstances.
- 4.10.3. To assist licence holders, the licensing authority will endeavour to remind licence holders of the pending expiry of any licence they hold. However, it asserts that it remains the responsibility of each licence holder to re-apply for all appropriate licences, other necessary documentation and/or permissions etc. in advance of expiry. The fact that no reminder letter for any documentation has been received is not a reason to excuse late submissions.
- 4.10.4 The Council will endeavour to remind holders of existing Hackney Carriage or Private Hire vehicle licences in the months preceding their expiry, to renew their licences. Application forms, appropriate fees, and supporting documentation, must be submitted at least 14 days prior to the expiry of the previous licence in order to allow sufficient time for a renewal to be processed. Failure to renew a licence will result in

the vehicle being taken off the road. An application will then need to be made for a new licence. This will be the case even if the applicant has not received a reminder as all licences are issued one year prior to expiry and, as previously stated, it is the licence holder's responsibility to note the expiry date.

- 4.10.5 Vehicle Licences (both Hackney and Private Hire) that are not renewed within 28 days of the expiry date will no longer count as a renewal. As such – if the vehicle is presented for plating after 28 days, it will be treated as a new licence application and will be expected to comply with any Council Policy on new licence applications.

#### **4.11 Environmental Considerations**

- 4.11.1 The Council fully supports the use of vehicles that use cleaner environmentally friendly fuels.

- 4.11.2 Clearly emissions from Taxis and PHVs could be reduced further by encouraging better maintenance of vehicles and by switching off engines when stationary or idling, particularly at Taxi ranks.

- 4.11.3 Woking Borough Council requires all vehicles to meet a suitable level in line with the Euro Emissions Standard. Currently, all non-wheelchair accessible vehicles must be Euro Emissions Standard V (five). As of the 20<sup>th</sup> of January 2022, all non-wheelchair accessible vehicles must be Euro Emissions Standard VI (six). Euro Emissions Standard V (five) vehicles will only be licenced up to and including the 20<sup>th</sup> of January 2022.

#### **4.12 Contract Vehicles**

Since 28 January 2008, under the revisions of the Road Safety Act 2006, there is now a requirement for all vehicles to be licensed as Private Hire vehicles where they are used for carrying passengers for hire or reward under a contract for the hire of the vehicle. (This covers previously exempt vehicles such as Chauffeur Driven or School Run Vehicles)

#### **4.13 Funeral Vehicles**

There is no requirement for a vehicle to be licensed while it is being used in connection with a funeral, or is being wholly or mainly used by a person fulfilling the business of a Funeral Director for the purpose of funerals.

#### **4.14 Wedding Vehicles**

A vehicle does not need to be licensed while it is being used in connection with a wedding. Written certification from the Council, confirming the relevant exemption claimed, is not currently required.

#### **4.15 Limousines**

Stretched limousines can be licensed for private hire work providing they carry no more than eight passengers and meet the requirements of the Act. The local private hire licence fee shall be the same.

#### **4.16 Livery**

The Council does not consider it necessary for the livery and markings of vehicles to conform to particular requirements in order that they may be easily identified. It is proposed that the visual distinction between Hackney Carriage vehicles and Private Hire vehicles can, over time, be achieved by allowing a reasonable amount of signage on Hackney Carriage vehicles and restricting it on Private Hire vehicles. **(See Appendix J and Appendix K)**

#### **4.17 Notices of Exemption**

Previously the Council, at its discretion, could issue a Notice of Exemption under section 75 (3) of the LGMPA 1976. This means that, where the Council has issued a Private Hire vehicle licence to a Private Hire Operator under section 48 LGMPA 1976, the Council (at its discretion) can grant a Notice in writing exempting them from displaying a plate under s 48, 6 (a), and also the driver from displaying a badge under s 54(2)(a) LGMPA 1976. From the implementation of this policy all previously issued Notices of Exemption for executive vehicles will continue to apply during the course of the current licence. However once the licence is renewed PH Operators will be required to display the Dispensation Discs\*\* on each vehicle and drivers will be required to carry their badges. **Appendix L** sets out the details of Dispensation Discs.

*\*\*: Dispensation Discs are small 'tax disc' like badges identifying a vehicle as licensed*

#### **4.18 Changes/Transfer**

- 4.18.1 Notice in writing of any transfer of licence must be given within 14 days to the Licensing Authority, as per section 49 LGMPA 1976.
- 4.18.2 When the holder of a vehicle licence wishes to transfer the licence to another person he must notify the new proprietor that it is their responsibility to notify the Council, in writing, as failure to do so is an offence.

#### **4.19 Accidents to and involving Licenced Vehicles**

- 4.19.1 Section 50(3) of the LGMPA 1976 part II requires that the vehicle proprietor must, as soon as is reasonably practicable (and within 72 hours), notify the licensing authority of any accident to a hackney carriage or private hire vehicle causing any damage affecting the –
- (a) safety of the vehicle;
  - (b) performance of the vehicle;
  - (c) appearance of the vehicle;
  - (d) comfort or convenience of passengers.
- 4.19.2 In recognition that accident damage can have an impact both on driver and public safety, comfort and convenience, the licensing authority will –
- (a) expect all qualifying accidents to or including a licensed vehicle to be reported to it; and
  - (b) take a serious view of any proprietor who fails, without reasonable explanation, to inform it of any qualifying accident/damage to their vehicle; particularly where they or an authorised driver continue to

drive/operate the vehicle and/or derive a monetary benefit from their activities.

#### **4.19.3 Actions to be taken where a vehicle is involved in an accident**

4.19.4 Where appropriate, the licensing authority has powers to suspend and/or revoke a vehicle licence, or otherwise allow the vehicle to continue in use (whether or not pending repair, inspection and/or testing etc.). The licensing authority will normally have regard to -

- (a) the nature and extent of any damage done;
- (b) the salvageable status of the vehicle;
- (c) the security status of the vehicle (i.e. whether accessible to/drivable by the vehicle proprietor or authorised driver);
- (d) the likely impact any damage may have on vehicle safety, performance or appearance;
- (e) the likely impact any damage may have on the comfort or convenience of passengers; and
- (f) the length of time it may take to effect repair.

4.19.5 Where appropriate to the circumstances, the licensing authority will require the vehicle proprietor of any vehicle involved in an accident to -

- (a) arrange for the vehicle to be repaired using parts of the same (or equivalent) specification of the original manufacturer, converter or approved agents; and
- (b) submit a schedule of works done and parts used by the relevant repairing agents etc. and
- (c) demonstrate that the vehicle is roadworthy on submission of a valid post-accident MOT certificate specific to the vehicle concerned; and/or
- (d) provide a satisfactory Voluntary Individual Vehicle Assessment (DVSA individual vehicle type approval) (or suitable equivalent), that certifies the safety of the vehicle as a whole and the repairs made.

#### **4.19.6 Assessment of vehicle drivers involved in an accident**

4.19.7 In recognition that vehicle accidents can occur for a variety of reasons and can result in a variety of injuries, it is the policy of the licensing authority to ensure, where appropriate, that the drivers involved in licensed vehicle accidents are suitably assessed in respect of their fitness, driving standards and/or eligibility.

4.19.8 For this reason, the licensing authority will normally require vehicle proprietors to submit a suitable account of the circumstances of the accident, together with the name and address of any driver driving the licensed vehicle at the time of the accident concerned. Where appropriate, an accident report form and/or a copy of any insurance claim (or similar account) will normally suffice for these purposes. For further information in respect of the assessment and determination of fitness of vehicle drivers following an accident please see section 5.

#### **4.20 Replacement vehicles for vehicles involved in an accident**

4.20.1 The licensing authority does not believe it to be reasonable or proportionate to require insurance companies to supply brand new courtesy vehicles. However any replacement vehicle must be supplied through an accident management company authorised by the proprietor's insurance company. However, so long as all other

eligibility criteria and requirements are met, the licensing authority will, where appropriate, permit another vehicle to be temporarily licensed for no longer than six weeks as a short term replacement for any licensed vehicle involved in an accident.

4.20.2 Temporary replacement vehicles may be licensed for longer than six weeks (on payment of a further fee) but only where there is a suitable business case and documentary evidence showing –

- (a) why the damaged vehicle cannot be repaired within the initial 28 day period;
- (b) why the damaged vehicle cannot be replaced and/or why other vehicles could not be used; and
- (c) when the damaged vehicle will be returned to service;

#### **4.21 Changes of circumstances & detail**

4.21.1 So as to satisfy itself that individual drivers are covered by all relevant and suitable insurance while working for any operator, the licensing authority will normally require, on condition, each driver to notify it, within 7 days, of the start and/or finish date of their affiliation with the operator concerned.

#### **4.22 Out of Area Working**

4.22.1 When an applicant wishes to licence a vehicle as a hackney carriage it will be the assumption, pursuant to section 57 of the LGPMA 1976 part II, that the applicant intends to use the vehicle to stand or ply for hire within the Licensing Authority's area.

4.22.2 Whilst each application will be considered on its own merits, the licensing authority will have regard to the geographic location of an applicant's home and business address. If the licensing authority believes that the hackney carriage is to be used entirely or predominantly remotely from WBC's area on a pre-booked basis, then the application for a licence will normally be refused.

#### **4.23 Taximeter certification**

4.23.1 By way of ensuring public protection, the licensing authority may require both on grant or renewal, suitable documentation that certifies any taximeter to be used in the vehicle is –

- (a) sealed (or otherwise incapable of tampering);
- (b) calendarised; and
- (c) programmed in accordance with the current scheme of fares in force for the time being.

4.23.2 Where appropriate and by way of ensuring public protection, calendarisation, programming and certification of taximeters must be undertaken by an independent competent person.

### **5. DRIVERS**

#### **5.1 Parallel Procedures**

The statutory and practical criteria and qualifications for a Private Hire driver are similar to those for a Hackney Carriage driver. The sections below, therefore, apply equally to Private Hire and Hackney Carriage drivers.

## **5.2 Dual Licences**

5.2.1 This Council grants to Hackney Carriage drivers, a licence to drive both Hackney Carriage and Private Hire vehicles.

5.2.2 However the Council will grant a licence solely for Private Hire if the application is for Private Hire only.

## **5.3 Age and Experience**

5.3.1 The guidance (DfT Best Practice) recommends against setting a maximum age limit for drivers, provided that regular medical checks are undertaken. It also considers that minimum age limits, beyond the statutory periods for holding a full driver's licence are inappropriate, advising that applicants should be assessed on their merits.

5.3.2. As per Section 51 of the LGMPA 1976, drivers must have held a full UK or EU driving licence for a minimum of 12 months before they can apply or be licenced.

5.3.3. Applicants/Drivers over the age of sixty (60) will be required to take medical tests on a yearly basis.

5.3.4. Applicants who have not resided in the UK for at least five years, or have resided outside the UK for more than six continuous months over the last five years, will be required to provide a Certificate of Good Conduct from each of the relevant countries.

5.3.5 To ensure authenticity, currency and efficiency of use, the licensing authority requires that certificates of good conduct (or suitable DBS equivalent) be -

- (a) translated and submitted in written English;
- (b) authenticated/certified as a true and accurate record by the relevant Embassy; and
- (c) no more than 3 calendar months must have passed since the certificate was issued/dated or within a period otherwise considered appropriate in the circumstances.

### **5.3.6 Relevance of certificates of good conduct**

5.3.7 As it will otherwise be unable to satisfy itself of the applicant's propriety, the licensing authority will normally refuse any application for a hackney carriage and/or private hire driver's licence where the applicant fails to provide or obtain suitable and sufficient certificates of good conduct where these may be appropriate.

5.3.8. However, the licensing authority recognises that not all states or provinces can provide for certificates of good conduct. Therefore, in genuinely exceptional circumstances, the licensing authority may require alternative documentation (i.e. suitable equivalent documents) and/or seek to undertake alternative investigation of the propriety of the applicant.

## **5.4 Topographical Knowledge (Driver Knowledge Tests)**

5.4.1 Taxi drivers clearly need a good working knowledge of the area for which they are licensed, because Taxis can be hired immediately, directly with the driver, at ranks or on the street. DfT recognises that most authorities require applicants to pass a test of local topographical knowledge before the first grant of a licence, the stringency of the

test reflecting the complexity or otherwise of the local geography, so as to ensure that barriers to entry into the trade are not unnecessarily high.

- 5.4.2 Such topographical knowledge is not quite as important for Private Hire drivers as Private Hire Vehicles are not legally available for immediate hiring in the same way as Taxis. To hire a PHV a would-be passenger books through an Operator, so the driver will, it could be argued, have an opportunity to check the details of a route before starting a journey. Whilst it may be unnecessarily burdensome to require a PHV driver to pass the same 'knowledge' test as a Taxi driver, it is appropriate for candidates to be able to demonstrate that they have a reasonable knowledge of key places of interest, such as main roads and shopping areas, doctors surgeries, railway stations, schools and churches.
- 5.4.3 In order to maintain the high standards that the Council expects of its drivers, a licence to drive a Hackney Carriage or Private Hire vehicle will not be granted unless the Council is satisfied that the applicant is a fit and proper person. In this context a driver's ability to find destinations is seen as a fundamental skill in providing a high quality service for passengers.
- 5.4.4 In order to determine such fitness, it is proposed that applicants be required to undertake written tests as to their knowledge of:
- a) Local geography (one part for Private Hire, two parts for Hackney Carriage); and
  - b) The Laws and Standards and the requirements of Taxi and Private Hire Drivers.
- 5.4.5 The cost of operating the above mentioned test is funded by a fee for a Hackney Carriage or Private Hire test (currently £15) each time the test is taken. This fee will be reviewed annually by the Council.
- 5.4.6 Due to the length of waiting lists for undertaking the Local Knowledge Test, a minimum of 48 hours notice is required should a candidate need to cancel their place without incurring an additional charge. Except in exceptional circumstances, failure to provide 48 hours notice of cancellation will incur an extra charge of £15 for a rescheduled test. This additional charge shall also apply if a candidate fails to attend their test without providing prior notice of cancellation.

## **5.5 Temporary (Interim) Licences**

- 5.5.1 The Council currently issue a temporary driver's licence to an applicant renewing a licence, having submitted their Disclosure and Barring Service Enhanced Disclosure application in a satisfactory and timely manner but it has not been returned before the expiry date of their licence. A temporary licence is in the form of a short term letter and should be kept in the vehicle at all times and presented when requested. The expired drivers badge should be carried at all times the driver is working, as per the requirements.
- 5.5.2. These temporary licence letters will only be issued to drivers who have made their renewal application a minimum of six weeks prior to the date of their licence expiry.

## **5.6 Driving Proficiency and Qualifications**

- 5.6.1 Whilst some licensing authorities rely on the standard car driving licence as evidence of driving proficiency, others require a further driving test to be taken to enter the Taxi and Private Hire profession.
- 5.6.2 It is the current requirement of the Council to request additional driving assessments for all drivers. This is to ensure the highest possible standard of safe professional driving upon entry into the profession.
- 5.6.3 Currently these practical driving assessments are provided by the Blue Lamp Trust, though this may be subject to change should it be beneficial to the trade.

## **Medical Examination**

### **General Medical Issues**

If an applicant's driving licence has been revoked or refused on medical grounds by the DVLA within the last 5 years, or if the applicant has received a conviction for driving a vehicle after failing to notify a disability or made a false declaration about fitness and medical health, the application for a Hackney Carriage or private hire licence should be refused until medical proof of current fitness can be provided. The onus is on the applicant to provide appropriate medical proof from their GP/consultant or authorised practitioner at their own expense, which is to be brought to the Licensing Department. The Senior Licensing Officer should consider issuing a licence if they are satisfied that the report shows a compliance with the DVLA Group 2 Medical Standard, and that the applicant is a fit person to recommence driving and is deemed to be of no threat to the public. If doubts remain over the applicant's fitness, then the application should be refused until further evidence of fitness can be produced by the applicant.

- 5.7.1 A request for a medical examination, which should be presented to the applicant's GP, is included in the application pack. The applicant will be responsible for paying the fee for the examination to the relevant surgery. On completion of the examination, the report will be submitted to the Licensing Department by the applicant as part of the application process.
- 5.7.3 Holders of current Public Service Vehicle (PSV) and/or Heavy Goods Vehicle (HGV) Licences, where the holder is able to produce proof of current (dated within the preceding 3 months) medical examination, will not be required to undergo a further medical examination.
- 5.7.4 Licence holders must advise the DVLA and the Council, without delay, of any deterioration in their health that may affect their driving capabilities.
- 5.7.5 Where there is any doubt as to the medical fitness of the applicant, the Council may require the applicant to undergo and pay for a further medical examination by a Doctor appointed by the Council.
- 5.7.7 Medical Checks are required every five years up until the age of 60, and yearly thereafter prior to the renewal date of the licence.
- 5.7.8 The licensing authority expects and will, on condition, require relevant licence holders to advise it, within 7 days, of any change and/or deterioration to their health or medical status that may affect either –
  - (a) their driving capabilities and/or driving entitlements; or

- (b) their ability to perform the duties of a hackney carriage and/or private hire vehicle driver (e.g. to afford reasonable assistance in the carriage and loading of luggage, wheelchair users etc.).

**NB:** Although some medical conditions may not affect an individual's ordinary [domestic] ability or entitlement to drive, these may not meet the extant Group II standards of medical fitness applied by the DVLA. Individuals are therefore encouraged to discuss/report any change in medical circumstances with the licensing officer.

5.7.9 In recognition that medical (un)fitness can have an impact on driver and public safety, the licensing authority will take a serious view of any licensed driver who fails, without reasonable explanation, to inform it of any significant change to their medical fitness/status; particularly where they continue to drive/operate and derive a monetary benefit from their activities.

5.7.10. Where appropriate, and in cases of doubt of medical fitness, the licensing authority may require those who experience or are suspected of a change in their medical status to undergo and pay for further medical examination on referral to and/or advice of the WBC's independent medical advisor.

## **5.8 Disclosure and Barring Service (DBS)**

5.8.1 A Disclosure and Barring Service Check on a driver is an important public safety measure. The enhanced disclosure is appropriate for the licensing of Taxi and Private Hire drivers as these disclosures include details of spent convictions and police cautions.

5.8.2 The Rehabilitation of Offenders Act 1974 (ROA) no longer applies to Taxi and PHV drivers, as the Act was amended in 2002 to exclude Hackney Carriage drivers and Private Hire drivers from the effects of the Act. Applicants for such driver's licences are, therefore, now required to disclose all convictions upon application.

5.8.3 As part of the application for a driver's licence, the applicant must provide a current (less than 3 months old) Enhanced DBS Disclosure of Criminal Convictions or a certificate of good conduct from the relevant embassy in the case of an overseas applicant who has not resided in the UK for at least five years, or where an applicant has resided in another country for more than six continuous months over the previous five year period.

5.8.4 Currently an Enhanced DBS Disclosure of Criminal Convictions, in respect of each licensed driver of a Hackney Carriage or Private Hire vehicle, is required on initial licensing and then every 3rd year. The Council may also request another disclosure at any time if a further check is considered necessary.

5.8.5 Licensed drivers are obliged to notify the Council, without delay, of any criminal convictions or cautions received or penalty points on their DVLA licence, within seven days. Failure to do so will constitute a breach of the licence.

## **5.9 Relevance of Convictions and Cautions**

5.9.1 The Council will, in considering an individual's criminal record, review each case on its merits, but will take a principally serious view of any offences involving violence, particularly cases involving sexual elements. This Council has a clear policy for the consideration of criminal records. For example, the number of years required to have elapsed since the commission of particular kinds of offences before a licence will be

granted. Applicants from outside the UK are required to produce a certificate of good conduct authenticated by the relevant embassy.

- 5.9.2 In relation to the consideration of convictions and cautions recorded against persons, the Council's policy is set out in **Appendix B**.
- 5.9.3 In assessing whether the applicant is a fit and proper person to hold a licence, the Council will consider each case on its merits. It will take account of cautions and convictions as well as any further information provided by the Police, but only in so far as they are relevant to an application for a licence. Upon receipt of a disclosure from the Disclosure and Barring Service, the Licensing Department will assess whether any or all of the convictions are capable of having real relevance to the issue of whether or not the applicant is a fit and proper person to hold a licence.
- 5.9.4 In relation to previous convictions, the Council will have regard to the following:
- a) The class of the offences;
  - b) The age of the offences;
  - c) The age of the applicant at the date of the offence; and
  - d) The apparent seriousness, as gauged by the penalty.
- 5.9.6 Guidance in relation to specific offences, along with a summary of the principles is given in **Appendix B**. In general terms, the more recent, serious and relevant to public safety the offence is, the less likely that an application will be granted.
- 5.9.7 In particular, applications will be referred to the Legal Department in line with the powers of Delegated Authority, where the applicant's record includes one or more of the following:
- a) Any conviction for a violent or sexual offence, or dishonesty;
  - b) Any serious motoring offence, such as dangerous driving, driving whilst disqualified or drink driving.

## 5.10 The Consideration of Applications

- 5.10.1 The Council will consider each application on its own merits and in a timely manner once the appropriate tests have been undertaken, and the application form and supporting documents are complete. Applications for Hackney Carriage or Private Hire Drivers' Licences are not limited and may be made at any time of the year. This is subject to the proviso that the applicant must have held a full UK or EU issued driving permit for more than 12 months.

In order for an application to be complete, the applicant must have provided the following:

1. A current full UK or EU driving licence, held for at least one year.
2. A Valid UK or EU Passport. If the applicant does not hold a valid UK or EU Passport, they must provide evidence of their right to work or to reside in the UK (such as a Residence Permit or Home Office documents confirming Leave to Remain).
3. Enhanced Disclosure from the Disclosure and Barring Service, which shall be obtained through the Council

4. The specified fee, which is part -refundable in the event of **refusal** of the licence;
  5. A Group 2 Medical Certificate\* (See section 5.7);
  6. Two recent passport quality sized photographs.
  7. A Driving Practical Assessment Pass Certificate (currently operated by The Blue Lamp Trust)
  8. A completed 'passed' Hackney Carriage or Private Hire Local Area Knowledge Test.
- 5.10.2 If satisfied, from the information available, that the applicant is a "fit and proper person" to hold a Hackney Carriage or Private Hire licence the Licensing Department has delegated authority to grant the application.
- 5.10.3 Successful applicants will be notified and issued with the appropriate licence. Those who are granted driver's licences shall be issued with a driver's badge, which shall remain the property of the Council and must be surrendered when the driver ceases employment as a licensed driver.
- 5.10.4 Where the Licensing Department is not satisfied, based on the information before them, that the applicant should be granted a licence, the application shall be determined in accordance with the delegated functions shown at paragraph **8.2 (8.2.1– 8.2.4)**.
- 5.10.5 Unsuccessful applicants will be informed of their right to appeal against the decision to the Magistrates' Court within 21 days of receipt of the formal notice of refusal of the application.
- 5.10.6 Applicants photographs**
- 5.10.7 Section 54(1) of the LGPMA 1976 PART II, requires the licensing authority to issue a driver's badge (where appropriate) that clearly shows, the applicant's appearance at the time of application.
- 5.10.8 For this purpose, the licensing authority will normally require applicants (both on initial grant and each renewal) to –
- 5.10.9 Submit, at their own expense, 2 recent passport quality (45mm by 35mm) colour photographs of themselves on photographic paper.
- 5.10.10 So that the applicant's features are clearly distinguishable, a suitable photograph will be taken to mean a photograph taken against a suitable plain and light coloured background and shows the applicant full faced i.e. uncovered (without sunglasses, headgear, veil or similar unless worn for a religious or medical reason).
- 5.11 Grant and Renewal of Licences**
- 5.11.1 The licensing of Hackney Carriage and Private Hire drivers is governed by Section 53 of the LGMPA 1976. This provides that such licences shall remain in force for three years from the valid from date or for such lesser period as may be determined.
- 5.11.2 A licence may be granted for a shorter period than three years, should this be appropriate in the circumstances. Applicants over 60, or holders of a yearly C1 licence where medicals have to be obtained, will have to apply for a licence annually.

- 5.11.3 To assist licence holders, the licensing authority will endeavour to remind licence holders of the pending expiry of any licence they hold. However, it asserts that it remains the responsibility of each licence holder to re-apply for all appropriate licences, other necessary documentation and/or permissions etc. in advance of expiry. The fact that no reminder letter for any documentation has been received is not a reason to excuse late submissions.
- 5.11.4 Holders of existing Hackney Carriage or Private Hire driver's licences will be reminded, at least one month preceding their expiry, when their licences are due to be renewed. Application forms, appropriate fees, and supporting documentation must be submitted in plenty of time prior to the expiry of the previous licence. Licence holders are reminded that it is their responsibility to be aware of the expiry date of their licence.
- 5.11.5 Applicants for renewal of a Hackney Carriage or Private Hire driver's licence are required to provide a current (less than 3 months old) enhanced disclosure from the Disclosure and Barring Service unless they have previously produced a disclosure within the preceding 3 years. The paperwork for this check must be submitted **at least** six weeks prior to the licence expiry.
- 5.11.6 Drivers Licences (both Hackney and Private Hire) that are not renewed within 56 days of the expiry date will no longer count as a renewal unless there are exceptional circumstances. As such – if the driver begins their application for 'renewal' after 56 days, it will be treated as a new licence application and will be expected to comply with any Council Policy on new licence applications.

### **5.13 Convictions etc**

- 5.13.1 Where offences leading to conviction are committed by licensed drivers, it is important, in the interests of consistency and transparency that a procedure should be in place to consider what effect this should have on their Hackney Carriage or Private Hire driver's licence.
- 5.13.2 Drivers who are convicted of any criminal or motoring offence during the currency of their Hackney Carriage or Private Hire driver's licence, must disclose the conviction and the penalty involved to the Council within seven days. For these purposes, a fixed penalty motoring offence amounts to a conviction. Also, if a driver is arrested, charged or bailed the Council should be informed.
- 5.13.3 It is proposed that breaches of the relevant legislation or conditions attached to driver, Operator and vehicle licences which may come to light following complaints, enforcement action or investigations should be dealt with following the general principles set out in **Appendix D**.

### **5.14 Code of Good Conduct**

- 5.14.1 Adopting a Practice of Good Conduct for Hackney Carriage and Private Hire drivers serves to promote the Council's licensing objectives in respect of the Hackney Carriage and Private Hire trades.

5.14.2 The Council considers that a professional driver should not charge above the maximum fare; should adopt safe and passive driving techniques; and set a good example to other road users. The standards expected of licensed drivers are set out in the Code of Good Conduct, included in this policy document at **Appendix D**. These should be read in conjunction with other statutory and policy requirements set out in this document.

## **5.15 Non UK and Non EU Applicants**

5.15.1 As part of the application procedure and the Disclosure and Barring Service Checks highlighted in 5.10, applicants are required to provide a UK or EU Passport, or a Home Office Residence Permit or evidence of Leave to Remain / Right to Work. As per Home Office Requirements, all holders of non EU and non UK passports will be required to have their details confirmed by the Home Office. This will be carried out by the Licensing Department and often takes **at least** ten working days.

## **6. DISCIPLINARY AND ENFORCEMENT MEASURES**

### **6.1 Enforcement**

6.1.2 It is recognised that well-directed, fair and reasonable enforcement activity by the Council benefits not only the public, but also the responsible members of the Taxi and PHV trades.

6.1.3 In pursuance of its objective to encourage responsible Hackney Carriage/Private Hire businesses, the Council will operate a firm but fair disciplinary and enforcement regime. Pursuant to balancing the promotion of public safety with the need to permit individuals to safeguard their livelihood without undue interference, the Council will only intervene where it is necessary and proportionate to do so, having regard to the objectives outlined in section **2.2.1** of this document.

6.1.4 The Council follows, as guidance, the Taxi Licensing and Enforcement & Practice Guidelines set out in **Appendix F**, to ensure that its enforcement effort is reasonable, transparent and well-directed.

### **6.2 Range of Powers**

The Council may take any of the steps below, upon receipt of evidence that an offence has been committed. A breach of a condition will be considered as an offence in this context.

- a. Suspension or Revocation of the Licence;
- b. Refusal to Renew;
- c. Issuing of Warnings or Cautions; and/or
- d. Prosecution

### **6.3 Suspension**

#### **6.3.1 Vehicles**

Hackney Carriage vehicles and Private Hire Vehicles must, at all times, be kept in an efficient, safe, tidy and clean condition. Compliance with the vehicle conditions is essential and will be enforced by periodic, random vehicle inspections by officers of the Council (at the Council's testing facility and on roadside checks). Where it is found that any vehicle is not being properly maintained, a defect(s) notice will be served by a member of the Licensing Department on the proprietor, setting out the

defect(s). Where public safety is likely to be put at risk, further use of the vehicle will be suspended (stop notice) until the defect(s) has/have been remedied. The suspension will not be lifted until the vehicle has undergone a further test, at the proprietor's expense, and been passed as fit for use as a Hackney Carriage/PHV.

### 6.3.2 Drivers

The Council may exercise its discretion to suspend the operation of a driver's Taxi or Private Hire licence under section 61 (LGMPA 1976). The reason for the suspension will be given in writing to the driver.

## 6.4 Revocation

Where a licence holder has been referred to the Licensing Sub-Committee or the Delegated Authority, because he/she has been convicted of a serious criminal offence or where it is considered that the driver is no longer 'fit and proper', the Committee or Authority may order the revocation of the licence.

## 6.5 Issuing of Warnings and Cautions

As a method of dealing with less serious matters, the Council will issue warnings and cautions appropriate to circumstances. Minor or first-time offences are likely to result in either a verbal or written warning. Repeated or more serious criminal offences are likely to lead to the issuing of a simple caution, provided:

- i. there is sufficient evidence to justify a prosecution;
- ii. the licence holder admits his/her guilt; and
- iii. the licence holder agrees to be cautioned.

## 6.6 Prosecution

The Council will usually prosecute licence holders for relevant offences in the following circumstances:

- i. where the allegation is of a serious or repeated offence;
- ii. where the Council proposes to caution the licence holder, but the offence is not admitted, or the caution is not accepted.

## 7. OFFENCES

### 7.1 Offences in relation to Hackney Carriages and Private Hire are derived from the following:

- Town Police Clauses Act 1847 (Hackney only);
- Local Government (Miscellaneous Provisions) Act 1976 (Hackney and Private Hire);
- Transport Act 1980 (Hackney and Private Hire);
- Road Safety Act 2006
- Disability Discrimination Act 1995
- Health Act 2006
- Private Hire Vehicles (Carriage of Guide Dogs etc) Act 2002

The above list is not exhaustive. Relevant offences are set out in **Appendix B**.

## 8. DELEGATED POWERS

### 8.1 Licensing Committee

The Licensing Committee of the Council is responsible for the management of the Hackney Carriage and Private Hire licensing regime in the Borough, along with the formulation and review of its policy in this regard.

### 8.2 Delegated Functions

8.2.1 The Licensing Committee has Delegated Responsibility for exercising the Council's functions in respect of the following legislation:

- Town Police Clauses Act 1847 as extended by Section 171 of Public Health Act 1875,
- Section 15 of Transport Act 1985
- Local Government (Miscellaneous Provisions) Act 1976.
- Road Safety Act 2006
- Transport Acts 2000, 2006, 2008

8.2.2 The Council's Licensing Department has Delegated Responsibility for the day to day management of the Hackney Carriage and Private Hire licensing function.

8.2.3 This includes specific powers in consultation with the Legal Services Manager to determine all applications for licences relating to Hackney Carriage and Private Hire Vehicles, drivers and Operators, in accordance with the Council's agreed policies. The Legal Services Manager has authorised the Licensing Department to exercise these powers. The Licensing Department has the authority to determine whether an applicant is a fit and proper person to hold a licence.

### 8.3 A "Fit and Proper Person"

There is no absolute definition as to what constitutes a "fit and proper person". However, considering the range of passengers that a driver may carry (i.e. elderly people, unaccompanied children, persons with a disability, those who have had too much to drink, lone women and foreign visitors), the Council relies on a common sense approach. Some areas give rise to particular concern, including:

- **Honesty and trustworthiness** - Taxi drivers often have knowledge that a customer is leaving a house empty; they have opportunities to defraud drunken, vulnerable or foreign people; or to steal property left in cars. Any passenger should, justifiably, expect to be charged the correct fare for a journey, and then given the correct change; they should also be confident that a driver would hand in any article left by a passenger in a vehicle, as well as maintain confidentiality between driver and fare.

- **Not abusive** - Taxi drivers are often subjected to unpleasant or dishonest behaviour. The Council does not consider that this excuses any aggressive or abusive conduct on the part of the driver. A driver would be expected to have no convictions or cautions for offences of a violent or threatening nature.

- **A good and safe driver** - those paying for a transport service rely on their driver to get them to their destination safely. They are professional drivers and should be fully aware of all Road Traffic legislation and conditions attached to their licence.

- They should be expected to have thorough knowledge of the area they are working in.

- Good physical and mental health.
- An ability to read, speak and understand English.

### **“Protecting the Public” Question**

The Council’s over-riding consideration is to protect the travelling public. Having considered and applied the appropriate guidelines, the following question should be asked:

**‘Would you allow your son or daughter, spouse or partner, mother or father, granddaughter or grandson, or any other for whom you care, get into a vehicle with this person alone?’**

If the answer is **Yes**, then a licence should normally be granted. If the Senior Licensing Officer has any doubts, then an application must be refused until those doubts can be satisfied through further evidence being supplied. **It is the applicant’s responsibility to provide sufficient evidence to satisfy the Council that he/she is a fit and proper person.**

## **9. PRIVATE HIRE OPERATORS**

### **9.1 Requirements & Obligations**

- 9.1.1 Any person who operates a Private Hire service must apply to the Council for a Private Hire Operator’s Licence. The objective in licensing PH Operators is the safety of the public, who will be using Operators’ premises and vehicles and drivers arranged through them.
- 9.1.2 A Private Hire vehicle may only be despatched to a customer by a Private Hire Operator who holds an Operator’s licence. Such a licence permits the Operator to make provision for the invitation or acceptance of bookings for a Private Hire vehicle. A Private Hire Operator must ensure that every Private Hire vehicle under their control is driven by a person who holds a Private Hire driver’s licence.
- 9.1.3 Applications for Operator’s licences must be made on the prescribed form, together with the appropriate fee. The Council will then decide whether the applicant is a fit and proper person to hold an Operator’s licence.

### **9.2 Criminal Record Checks**

- 9.2.1 Private Hire Operators (as opposed to Private Hire Vehicle drivers) will be required to undergo an enhanced Disclosure and Barring Service check, or to provide a certificate of good conduct from the relevant embassy for overseas applicants who have not resided within the UK for at least five years before the date of application.

### **9.3 Conditions**

- 9.3.1 The Licensing Authority has power to impose such conditions on a Private Hire Operator’s licence, as it considers reasonably necessary.

- 9.3.2 The conditions set out in **Appendix G** are considered to be reasonably necessary in all cases and will be imposed as standard conditions on all licences unless there are exceptional circumstances justifying different conditions in any particular case.

#### **9.4 Names an operator may trade as**

The number of business names that can be attached to each operator's licence is limited to five. Operators can still make a request for additional business names to be attached to the licence but Woking Borough Council will be minded to refuse these requests unless the operator can demonstrate there is a demonstrable and exceptional business case to justify the additional name(s).

#### **9.5 Record Keeping**

- 9.5.1 Operators are required to keep records of each booking, including the name of the passenger, the destination, the name of the driver and the number of the vehicle. This would, for example, enable police checks to be made if any mishap should befall a passenger, or should any allegations of inappropriate behaviour be made against the driver

- 9.5.2 The conditions referred to at 9.3 above include a requirement that comprehensive records are kept in respect of all bookings, vehicles and drivers.

#### **9.6 Insurance**

- 9.6.1 It is considered appropriate for the Council to check that the relevant public liability insurance has been taken out for premises that are open to the public.

- 9.6.2 Before an application for a Private Hire Operators Licence is granted, the applicant must produce evidence that they have taken out appropriate public liability insurance if premises are to be used to allow the public to wait for a vehicle.

#### **9.7 Licence Duration**

- 9.7.1 It is proposed that a successful applicant will be granted a PH Operators licence for a one year period from the date of grant. A licence may be granted for a shorter period where this is appropriate in the circumstances.

- 9.7.2 Applicants for renewal of a PHV Operators licence are required to provide a current (less than 3 months old) enhanced check from the Disclosure and Barring Service every third year.

- 9.7.3 Whilst The Council endeavours to remind existing holders of PH Operator's licences, in the month preceding the licence expiry date, of when their licences are due to be renewed, licence holders are reminded that it is ultimately their own responsibility to be aware of the renewal date of their licence and act accordingly.

#### **9.8 Address from which an Operator may operate**

Upon grant of an Operator's licence, the Council will specify in the licence the address from which the Operator may operate. The Operator must notify the Council in writing of any change of address, (whether this is a home address or the address from which he/she operates) during the period of the licence, and within 7 days of such change taking place.

#### **9.9 Bases outside the Woking Borough Council Area**

The Council will not grant an Operator's licence for an Operator with an operating base that is outside the Borough Council area (Dittah and Choudhry v Birmingham City Council). This is to ensure that proper regulation and enforcement measures may be taken by the Council and is in no way intended to be a restraint of trade. However all three licenses for the Operator, vehicle(s) and driver(s) must be issued by this Council.

## **10. Fares**

- 10.1 Licensing authorities have the power to set Taxi (Hackney Carriage) fares for journeys within their area (there is no power to set PHV fares). DfT recommends reviewing fare scales at regular intervals, including any graduation of the fare scale by time of day or day of the week.
- 10.2 Taxi fares are set at a maximum, and in principle are open to downward negotiation between passenger and driver. The Council's fare chart makes it clear that published fares are a maximum.
- 10.3 All Hackney Carriage and Private Hire drivers must, if requested by the passenger, provide a written receipt for the fare paid.

## **11. Fees**

The Department for Transport Best Practice Guidance does not deal with the issue of licensing fees at all. It is, however, generally recognised that the fees set for all Hackney Carriage and Private Hire licences should be such as to ensure that the costs of the service, including the cost of issue and administration will, so far as possible, be met from fee income. It is, on the other hand, not lawful for the Council to seek to make a profit from licence fees that are within its discretion. With particular regard to fees charged for Hackney Carriage and Private Hire vehicle and Operator licences, legislation provides that these should be sufficient to cover the costs of inspecting the vehicles, providing Hackney Carriage stands, and administering the control and supervision of Hackney Carriages and Private Hire vehicles. Fees charged for drivers' licences should cover the costs of issue and administration. Due notice of these charges will be given.

### **11.1 Payment Refunds and Transfers**

- 11.1.2 The relevant fee will be payable when the application is submitted. The Council will not normally make any refunds in respect of unexpired portions of a vehicle licence if a licence is surrendered or revoked once issued. A partial refund will be made to unsuccessful vehicle and driver applicants, of the fee paid minus the Council's administration costs.
- 11.1.3 Applications which are not accompanied by the full fee will not be granted.

## **12. Equality and Diversity**

- 12.1 The Licensing Department adheres to Woking Borough Council's wider Corporate Equality Scheme (CES), that builds on the Council's corporate commitment and work on the equalities agenda. It is one of the Council's key documents, contributing to its vision of Towards Tomorrow Today, and values under the thematic areas of People, Place and Us.

This Corporate Equality Scheme covers the nine strands outlined in the Equality Act 2010:

- i. race
- ii. sex
- iii. sexual orientation
- iv. disability
- v. religion or belief
- vi. being transsexual (called gender reassignment in law)
- vii. pregnancy
- viii. age
- ix. marriage and civil partnerships (this applies only at work or if someone is being trained for work)

12.2 We believe that the Council's Vision and Values will only be realised if it truly encompasses all of Woking's residents. This is supported by our core values:

- i. We are one organisation
- ii. We are in the public service
- iii. We care about people and the Borough

We believe that the diversity of our population and workforce is one of our greatest strengths. Equality of opportunity and freedom from discrimination is a fundamental right and this Council has a duty to exercise leadership to promote this right. We intend to promote equality and prevent discrimination through our roles as:

- i. Service provider
- ii. Employer
- iii. Community leader

We will follow best practice in all equality areas and work to:

- i. Eliminate unlawful discrimination
- ii. Eliminate harassment
- iii. Promote equality of opportunity
- iv. Promote good relations between different groups in the community
- v. Recognise and take account of people's differences

### 12.3 Equality Objectives

Overarching objectives that have been developed for this CES, which are relevant to each of the nine equality groups covered by the Equality Act, are designed to ensure a holistic approach to tackling inequality and promoting equality through the organisation.

The overarching objectives are to:

- i. **Tackle victimisation, harassment and discrimination** - take reasonable steps to ensure that residents, service users and employees are not unlawfully discriminated against and take appropriate action to prevent & tackle victimisation and harassment.
- ii. **Improve access to services** - take reasonable steps to ensure that services are inclusive; responsive to risk; physically accessible and provided through the most efficient and effective channels available.

- iii. **Close the gap in outcomes for citizens** - take reasonable steps to improve life chances for citizens by reducing outcome gaps that may exist within the borough as well as those that may exist between the borough and elsewhere.
- iv. **Increase understanding and mutual respect between communities** - take reasonable steps to build stronger communities and promote good relations, both within and between communities.
- v. **Increase participation and engagement** - take reasonable steps to remove barriers that may exist to engagement and help residents (especially those who are under-represented) to participate in local decision making and influence local decisions.
- vi. **Ensure equitable employment policies and practices** - provide equality of opportunity for all its staff by ensuring its employment policies and practices, (concerning recruitment, retention, promotion, training and discipline), are designed to reflect and attract the communities that Woking serves.

### **Additional Notes**

A full version of Woking Borough Council's Corporate Equality Scheme is available at <https://www.woking.gov.uk/community/eds/eqdiv/corporateequalityscheme>

The objectives are reviewed, updated and published regularly.

## APPENDIX A

### VEHICLES - SPECIFICATIONS

#### 1. GENERAL SPECIFICATION

- 1.1 All licensed vehicles shall comply, in all respects, with the requirements set out below as appropriate for the type of vehicle (Hackney Carriage or Private Hire, including stretched limousines). This is in addition to all requirements of Road Traffic legislation, relating to all motor vehicles.
- 1.2 All vehicles shall be capable of carrying not less than 4 passengers, but no more than 8.
- 1.3 All vehicles shall comply with all construction and use/type approval requirements applicable to them.
- 1.4 All vehicles shall be either a purpose built Taxi, or a 4-door saloon or 5-door estate/multi-passenger vehicle. Minibuses, transits and people carrier type vehicles shall have at least 3 doors, not including any tailgate or rear doors. A purpose built style Taxi will not be licensed for Private Hire.
- 1.5 When a non-wheelchair accessible vehicle is first presented for licensing, it shall be required to meet the Euro Emissions Standards. This currently states Euro Emissions Standard V (five), but as of the 20<sup>th</sup> of January 2022 it will become Euro Emissions Standard VI (six). It may remain available for licensing, subject to passing the inspection process, until it is twelve (12) years old or until it no longer meets the required Euro Emissions Standard, whichever is sooner.
- 1.6 Under the same conditions, a wheelchair accessible Hackney Carriage vehicle shall be brand new at the date of licensing and may remain available for licensing, subject to passing the inspection process, until it is twelve (12) years old.
- 1.7 Where a wheelchair accessible vehicle is being presented for a Private Hire vehicle licence, it will not be required to meet the Euro Emissions Standards but will be expected to meet the Wheelchair Accessible Criteria, and will be no older than 4 years at date of first licensing.
- 1.8 The engine capacity must be a minimum of 1300cc (not applicable to electric hybrid vehicles)
- 1.9 Vehicles should have no damage affecting the structural safety of the vehicle, and must not have been written off for insurance purposes at any time. For example, vehicles which are known in the trade as 'cut & shunt' will not be licensed.
- 1.10 Sufficient means shall be provided by which any person in the vehicle may communicate with the driver.
- 1.11 No vehicle may be fitted with 'bull bars', or other modification that increases the risk to passengers, pedestrians or other road users.

## **2. DOORS**

- 2.1 All saloons, estates or purpose-built Taxi vehicles shall have at least 4 side opening doors, which may be opened from the inside and the outside.
- 2.2 Minibuses, transits and people carrier type vehicles shall have at least 3 doors not including any tailgate or rear doors.
- 2.3 All vehicles shall be constructed so that the doors open sufficiently widely to allow easy access into and egress from the vehicle.
- 2.4 All vehicles, including larger passenger vehicles (multi-purpose vehicles), must have sufficient safe and suitable access and egress from the vehicle for the driver and all passengers, excluding the rear exit and the driver's front door.

## **3. INTERIOR DIMENSIONS**

- 3.1 Height Inside: there must be sufficient space between the seat cushions and the lowest part of the roof to safely accommodate the driver and passengers in reasonable comfort.
- 3.2 Knee space: there must be sufficient space between the front and back seats to safely accommodate the driver and passengers in reasonable comfort.

## **4. SEATS**

- 4.1 Passengers need to be able to enter and exit in safety. So as not to impede access, every seat must be unobstructed and be easily accessible to passengers without the need for seats to be moved or tilted and without the need for more than one passenger to move.
- 4.2 Passenger seats must be at least 16" (41 cm) wide per passenger with no significant intrusion by wheel arches, armrests or other parts of the vehicle. There must be a minimum of 34" (86.36 cm) headroom for all passenger seats measured from the rear of the seat cushion to the roof lining. There must be a minimum of 7 ¼" (18.42 cm) legroom for all passenger seats, measured from the front edge of the seat to the rear of any seat, dashboard or internal panel in front.

## **5. SEAT BELTS**

- 5.1 All vehicles must be fitted with fully operational seat belts, one for each passenger to be carried, fully compliant with British Standards except where the law specifically provides an exemption.

## **6. PASSENGER CAPACITY**

- 6.1 The carrying capacity of all vehicles shall be at the discretion of the Council having regard to manufacturer's specifications and compliance with dimensions and other safety considerations referred to previously.

## 7. VENTILATION

- 7.1 Windows must be provided at the rear and sides along with means of opening and closing not less than two windows on either side.
- 7.2 Rear passenger windows must be capable of being opened by passengers when seated, unless air conditioning is available for the comfort of the passenger.

## 8. LUGGAGE

- 8.1 Suitable storage for passenger luggage, ideally separated from the passenger compartment, should be provided. Luggage carried must be suitably secured in place. Estate type vehicles shall have a guard fitted between the passenger and the luggage compartments.

## 9. DISABILITY ACCESS

- 9.1 Where a Private Hire Vehicle is presented as Wheelchair Accessible, it will not be required to meet the Euro Emissions requirements, but will be held to the same standards as the Wheelchair Accessible Vehicles (such as its dimensions and replacement regulations) however it will be no older than four years old at date of first licensing.
- 9.2 Hackney Carriage Vehicles that are not wheelchair accessible will only be licenced up to the 31<sup>st</sup> of March 2020. As per Woking Borough Councils Policy (as set out in **Appendix M**) the 'saloon' hackneys were permitted to continue renewing and transferring their licences up until the 31<sup>st</sup> of March 2020. As such, all Hackney Vehicles will be Wheelchair Accessible – and compliant with the policies, after that date. **Appendix M** and **N** detail the Wheelchair Accessible and Replacement Vehicle Policies.

## VEHICLE INSPECTION

All items contained within the inspection list, agreed by Woking Borough Council shall be tested in accordance with the current MOT Testing Guide & Inspection Manual issued by the Vehicle & Operator Services Agency (VOSA) save for the items outlined below. The numbering below corresponds to the Taxi and Private Hire Inspection Sheet.

### **Vehicles to be licensed by the Council shall be of the following design:**

- (a) A wheeled vehicle constructed or adapted to carry not more than eight passengers exclusive of the driver.
- (b) Fitted with at least four doors.
- (c) The engine capacity must be a minimum of 1300cc (not applicable to electric hybrid vehicles)

### **1 - 8. Lighting and Signalling Equipment:**

No cracks, splits, stone chips or bulls eyes shall be permitted in any lens. Tape used for the repair of such shall not be permitted.

**9. Dash Panel Lights:**

The dash panel lights shall be capable of illuminating all instruments satisfactorily. All warning lights (Including ABS and Management if fitted) must extinguish when engine is running.

**10 - 17. Steering and Suspension:**

Slight deterioration shall not be permitted in any bonded joint. Splits, cracks or deterioration of inner CV boots shall not be permitted. No fluid leaks from shock absorbers shall be permitted.

**18 - 22. Braking System:**

Any vehicle fitted with ABS shall be deemed to fail if presented with any component obviously missing.

**23 - 25. Tyres and Wheels:**

Wheels including Spare Tyres designed with a wear indicator of 1.6mm level with the tread pattern at the time of the test shall be deemed to fail. The spare wheel carrier shall be in such a condition as to allow the easy removal; i.e. the winding mechanism shall be free of excessive corrosion and or damage when sited under the vehicle. Wheels including the spare shall be free from defects on rims and hubs.

**32 - 33. Exhaust:**

The exhaust system shall be deemed to fail if any repair has been attempted. No leaks shall be permitted from the exhaust system including connection joints.

**36. Windscreen:**

No splits, cracks, chips or Bulls eyes shall be permitted anywhere in the swept vision.

**37. Window & Winding Operations:**

All winding mechanisms shall allow all windows to be opened and closed normally.

**38. Clutch and Throttle:**

Free from any excessive play and in good smooth working order.

**39. Battery/Wiring:**

Shall be securely fitted and be of a type suitable for the vehicle. All wiring including that fitted for any ancillary items such as roof signs, radios and meters shall be fitted securely and in such a manner as to be free from accidental interference.

**39. Oil Leaks:**

Oil leaks other than an occasional drip shall not be permitted.

**40. Fuel Tank and Pipes:**

The fuel system shall be free from any leaks and excessive corrosion. Similar for Water and/or Coolant Leaks

**42. Mirrors:**

All vehicles shall have three mirrors fitted in the following manner;

**A** - One fitted internally (rear view)

**B** - One fitted to the offside drivers (externally) door

**C** - One fitted to the nearside passenger (externally) door

All shall be fitted so as to give the driver a good visibility to the rear and be free from cracks, blemishes or other defects, The housing holding the mirrors must also be free from damage and any mechanisms fitted to enable the positioning of the mirrors shall be in working order.

#### **44. Fire Extinguishers:**

A 1kg hand held fire extinguisher, containing no CFC gases and complying with British Standard (BS) EN3, must be kept in good working order either mounted in the driver's compartment or mounted in the boot in such a position as to be readily available for use. The fire extinguisher must display a valid upcoming expiry date or must be fitted with a pressure gauge indicating that the pressure is still within working parameters. The extinguisher must be indelibly marked with the plate number of the vehicle prefixed by either HCV/PHV (Hackney Carriage/Private Hire) corresponding to the type of hire vehicle and the registration No. of the vehicle.

#### **46. General Condition:**

No defects to any seats or seat covers, carpet or other upholstery that have not been rectified suitably. Covers that have not been tailored to fit front or rear seats shall not be permitted. The use of car blankets as covers shall not be permitted. The entire interior shall be clean, tidy and free from unpleasant odours.

**Doors** - All doors including sliding doors shall open and close from inside and out without the need for excessive force.

**Exterior Condition** - There must be no accident damage, including dents and scratches. Paint and bodywork must be clean and free from rust. All trim must be securely fastened to the body.

**Advertising & Displays** - No internal or external advertisement or display shall obscure the driver's vision through any window or mirror of the vehicle.

Any proprietor's/Operator's own business cards shall be stored in a single storage area not above window level.

#### ***Hackney Carriages***

- i. May display any approved advertising that does not obscure the fact that it is a Hackney Carriage (e.g. words stating "Private Hire" or similar) and that does not infringe on driving safety or the driver's vision. Commercial advertisements may be displayed on the base of the tip-up seats and above the glass passenger partition. Such advertisements must first be approved by the Council for size and content before display.
- ii. full, half or similar "body wrap" type signage will be allowed provided no part impedes the drivers' vision, the identifying features of the vehicle (number plate, licence plate, top box, etc.), or any of the vehicles normal functions (lights, mirrors, opening of doors etc.).
- iii. details of the operating firm of the Taxi may be displayed on the vehicle but only in accordance with the conditions below:
  - a. front facing signage may be affixed, but only to the front windscreen and in a top nearside position
  - b. rear facing signage may be affixed, but only to the rear screen and in a bottom central position, or made of such modern material as to not impede the driver's rear view.
  - c. internal signage may be affixed, but only to the nearside internal partition glass, in top nearside position, facing to the rear

- d. no signage shall refer to any Taxi/Private Hire firm, radio circuit, association or telephone number which is outside the Borough area,
- e. no such signage shall be illuminated.

### **Private Hire Vehicles**

No advertisement on any Private Hire vehicle can display any of the following words: 'TAXI', 'CAB', 'HACKNEY CARRIAGE' or 'FOR HIRE'.

No other similar word, (e.g. 'kab') is to be used.

#### **49. Condition of Seating:**

All seats must be securely fixed to the vehicle and be properly upholstered.

#### **51. Door Signs (Private Hire Only):**

PHV that are not exempt from displaying the licence plates (as per **Appendix L**) must display door signs for the Operator they are currently working for in line with the conditions of their licence. The information contained on the front door signs must be confined to the name, address, telephone number and logo of the business Operator. Phrases such as 'Pre-booked' or 'Advanced Bookings only' will be acceptable. Door signs shall be of a uniform size and design not exceeding 800mm wide and 500mm high.

#### **52. Internal Vehicle Plate:**

Must be displayed (in a prominent position and clearly visible to passengers) at all times [and correspond with the rear plate].

#### **52. Display of Vehicle Licence Plate:**

- (a) Hackney Carriage Vehicles shall be fitted with a unique white plate bearing the number allocated by Woking Borough Council and information identifying the make and registration mark of the vehicle along with the expiry date.
- (b) Private Hire Vehicles shall be fitted with a unique yellow plate bearing the number allocated by Woking Borough Council and information identifying the make and registration mark of the vehicle along with the expiry date.
- (c) In both cases the plate shall be fitted externally at the rear of the vehicle fixed by bolt or screw or on an acceptable bracket, similarly fixed. The plate shall be in a clean and easily readable condition.

#### **52. Registration Number Plates:**

Both back and front plates shall be clean and free from any defects including splits or cracks and delaminating.

#### **53. Roof Signs (Hackney Carriages Only):**

Hackney Carriages must be fitted with an illuminated roof sign. It must carry the word "TAXI" in black on the front and rear of the sign together with the Woking Borough Council Crest at each end of the sign.

The roof sign must be connected to the Taximeter so that it works in conjunction with it, i.e. when the meter is not in use the sign is illuminated and when the meter is in use the sign is NOT illuminated.

### **Roof Signs - Purpose Built Taxis**

Purpose built Taxis may be excluded from carrying a separate roof sign if the Taxi has a sign built in that works in conjunction with the Taximeter i.e. when the meter is not in use the sign is illuminated, and when the meter is in use the sign is NOT illuminated. Where the vehicle is a Hackney Carriage the sign must have the word "Taxi" displayed clearly on the front. If it isn't a Hackney Carriage, it cannot have a sign.

### **55. Fare Card (Hackney Carriages Only):**

Must be displayed in a prominent position and clearly visible to passengers at all times.

### **57 - 59. Meter:**

(a) *Hackney Carriage*: Must be fitted.

(b) *Private Hire*: Need not be fitted.

(c) The meter, if fitted, shall be securely fastened in a position where the face can easily be seen by passengers and in a position where it will not be dangerous or obscure the driver's vision.

## APPENDIX B

### Woking Borough Council Taxi and Private Hire Licensing Criminal Conviction Policy 2016

(Adopted by Council 14<sup>th</sup> of July 2016)

#### Taxi and PHV Licensing Criminal Convictions' Policy 2016

##### 1. Introduction

- 1.1 The purpose of this policy is to provide guidance on the criteria taken into account by the Council when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a Hackney Carriage and/or Private Hire driver or Operator licence.
- 1.2 The overriding aim of the Licensing Authority is to protect the safety of the public. The Licensing Authority is concerned to ensure:
  - that a person is a fit and proper person
  - that the person does not pose a threat to the public
  - that the public are safeguarded from dishonest persons
  - the safeguarding of children and young persons
- 1.3 This policy provides guidance to any person with an interest in Taxi and Private Hire licensing. In particular, but not exclusively:
  - Applicants for drivers' licences
  - Existing licensed drivers whose licences are being reviewed
  - Licensing Officers
  - Members of the Licensing Committee/panel (or other relevant decision making body)
  - Magistrates hearing appeals against local authority decisions
- 1.4 Officers exercising delegated powers, and the Taxi Licensing Sub-Committee, will have regard to the guidelines contained in this Policy when
  - (i) determining applications for licences, and
  - (ii) deciding whether to suspend or revoke a licence.

**However, each case will be considered on its individual merits and, where the circumstances justify, the Officer/Sub-Committee may depart from the guidelines.**

##### 2. General policy

- 2.1 There may be occasions where it is appropriate to depart from the guidelines. For example, where the offence is a one-off occasion or there are mitigating circumstances, or alternatively where there are many or continuous offences which may show a pattern of offending and unfitness.
- 2.2 A person with a conviction for a serious offence need not be automatically barred from obtaining a licence, but would normally be expected to:
  - a. Remain free of conviction for an appropriate period; and
  - b. Show adequate evidence that he or she is a fit and proper person to hold a licence (the onus is on the applicant to produce such evidence). Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.

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

2.4 The Council is also prohibited from issuing a licence to an applicant who has not held a full UK or EU driving licence for at least one year, and at the date of the application being made.

2.5 The Council will not normally grant a licence to an applicant who has previously been disqualified from holding a driving licence (whether for a single offence or under the "totting up" provisions) unless he has subsequently held a full driving licence for a period of three years without incurring any further convictions.

### **3. Appeals**

3.1 Any applicant refused a driver's licence on the grounds that the Licensing Authority is not satisfied he is a fit and proper person to hold such a licence has a right to appeal to the Magistrates' Court within 21 days of the notice of refusal [Local Government Miscellaneous Provisions Act 1976, s 77 (1)].

### **4. Powers**

4.1 Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allow the Licensing Authority to suspend, revoke or refuse to renew a licence if the application/licence holder has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause.

4.2 The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, allows the Licensing Authority to take into account all convictions recorded against an applicant or the holder of a Private Hire vehicle or Hackney Carriage driver's licence, whether spent or not. Therefore the Licensing Authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending.

4.3 In this policy the term "disqualification" refers to the period served, in order to take account of the fact that a court may reduce the period of disqualification from driving. An applicant must provide evidence in advance to prove that the court agreed a reduction in the period of disqualification.

### **5. Consideration of disclosed criminal history**

5.1 Under the provisions of Sections 51, 55, and 59, Local Government (Miscellaneous Provisions) Act 1976, the Licensing Authority is required to ensure that an applicant for the grant or renewal of a Hackney Carriage and/or a Private Hire vehicle drivers' licence and/or Private Hire vehicle Operators licence is a 'fit and proper' person to hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the Licensing Authority will look into:

- How relevant the offence(s) are to the licence being applied for
- How serious the offence(s) were
- When the offence(s) were committed
- The date of conviction
- Circumstances of the individual concerned
- Sentence imposed by the court
- The applicant's age at the time of conviction
- Whether they form part of a pattern of offending

- Any other character check considered reasonable (e.g. personal references)
  - Any other factors that might be relevant
- 5.2 Existing holders of drivers' licences are required to notify the Licensing Authority in writing within twenty-eight days of receiving a driving licence endorsement, fixed penalty notice or criminal conviction (including cautions).
- 5.3 Applicants can discuss further what effect a caution/conviction may have on any application by contacting the Licensing Department, in confidence, for advice.
- 5.4 The Licensing Authority conducts enhanced disclosures from the Disclosure and Barring Service (DBS) of any applicant for a driver licence. The Licensing Authority follows the DBS's Code of Practice on the fair use of disclosure information. A copy is available on request.
- 5.5 Applicants applying for the grant or a renewal of a drivers' licence will be required to obtain an enhanced disclosure at their own expense. The Licensing Authority abides by the DBS's Policy on the secure storage, handling, use, retention and disposal of disclosure information, which is available on request.
- 5.6 More information about the DBS can be found on their website at <https://www.gov.uk/government/organisations/disclosure-and-barring-service>
- 5.7 The Licensing Authority is also entitled to use other records and information that may be available to it in determining applications, or an entitlement to continue holding a licence. This may include information held by the Licensing Authority or other licensing authorities, and information disclosed by the police under the Home Office scheme for reporting offences committed by notifiable occupations.
- 5.8 It is an offence for any person, knowingly or recklessly, to make a false declaration or to omit any material particular in giving information required by the application for a licence. Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.

## **6. Serious offences involving violence**

- 6.1 Licensed drivers have close regular contact with the public. A firm line is to be taken with those who have convictions for offences involving violence. An application will normally be refused if the applicant has a conviction for an offence that involved the loss of life.
- 6.2 In other cases, anyone of a violent disposition will normally be refused to be licensed until at least 3 years free of such conviction. However, given the range of the offences that involve violence, consideration must be given to the nature of the conviction.
- 6.3 Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for an offence such as:
- Murder
  - Manslaughter
  - Manslaughter or culpable homicide while driving
  - Terrorism offences
  - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

- 6.4 A licence will not normally be granted where the applicant has a conviction for an offence of similar offence(s) which replace the offences below and the conviction is less than 10 years prior to the date of application:
- Arson
  - Grievous bodily harm
  - Actual bodily harm
  - Robbery
  - Possession of firearm
  - Riot
  - Assault Police
  - Common assault with racially aggravated
  - Violent disorder
  - Resisting arrest
  - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above
- 6.5 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the offences below and the conviction is less than 5 years prior to the date of application:
- Racially-aggravated criminal damage
  - Racially-aggravated offence
  - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above
- 6.6 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the offences below and the conviction is less than 3 years prior to the date of application:
- Common assault
  - Assault occasioning actual bodily harm
  - Affray
  - S5 Public Order Act 1986 offence (harassment, alarm or distress)
  - S.4 Public Order Act 1986 offence (fear of provocation of violence)
  - S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
  - Obstruction
  - Criminal damage
  - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above
- 6.7 A licence will not normally be granted if an applicant has more than one conviction in the last 10 years for an offence of a violent nature.
- 6.8 In the event of a licence being granted, a strict warning both verbally and in writing should be administered.
- 7. Possession of a weapon**
- 7.1 If an applicant has been convicted of possession of a weapon or any other weapon related offence, this will give serious concern as to whether the person is fit to carry the public.
- 7.2 Depending on the circumstances of the offence, an applicant should be free of conviction for 3 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), before a licence is granted.

## **8. Sex and indecency offences**

- 8.1 As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinised. Those with convictions for the more serious sexual offences will generally be refused. For other offences, applicants will be expected to show a substantial period (normally at least 5 years) free of conviction for such offences before a licence will be granted.
- 8.2 (a) Unless there are exceptional circumstances, an application will normally be refused where the applicant has a conviction for an offence such as:
- Rape
  - Assault by penetration
  - Offences involving children or vulnerable adults
  - Sexual assault
  - Indecent assault
  - Possession of indecent photographs, child pornography etc.
  - Exploitation of prostitution
  - Trafficking for sexual exploitation
  - Or any sex or indecency offence that was committed in the course of employment as a Taxi or PHV driver
  - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above
- 8.3 (b) Before an application is allowed, an applicant should be free of conviction for at least 10 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), if he/she has a conviction for an offence such as:
- Indecent exposure
  - Soliciting (kerb crawling)
  - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above
- 8.4 In addition to the above the Licensing Authority will not normally grant a licence to any applicant who is currently on the Sex Offenders Register.
- 8.5 A licence will not normally be granted if an applicant has more than one conviction for a sex or indecency offence.

## **9. Dishonesty**

- 9.1 A licensed PHV or Taxi driver is expected to be a trustworthy person. They deal with cash transactions and valuable property may be left in their vehicles. Taxi drivers are required to deposit such property with police within 24 hours. Private Hire Vehicle drivers must pass lost property to the Operator. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in licensed drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal or agreed fare, etc. Overseas visitors can be confused by our currency and may be vulnerable to an unscrupulous driver. For all these reasons, a serious view is taken of any conviction involving dishonesty.
- 9.2 In general, a minimum period of 3 years free of conviction or at least 3 years from completion of sentence (whichever is longer) should be required before granting a licence. Offences involving dishonesty include:
- theft
  - burglary
  - fraud
  - benefit fraud

- handling or receiving stolen goods
- forgery
- conspiracy to defraud
- obtaining money or property by deception
- other deception
- taking a vehicle without consent
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

## **10. Drugs**

- 10.1 A serious view is taken of any drug related offence. The nature and quantity of the drugs, whether for personal use or supply, are issues which should be considered.
- 10.2 A licence will not normally be granted where the applicant has a conviction for an offence related to the supply of drugs and has not been free of conviction for 5 years.
- 10.3 A licence will not normally be granted where the applicant has more than one conviction for offences related to the possession of drugs and has not been free of conviction for 5 years.
- 10.4 An application from an applicant who has an isolated conviction for an offence related to the possession of drugs within the last 3-5 years may be granted a licence, but consideration should be given to the nature and quantity of the drugs.
- 10.5 If there is evidence of persistent drugs use, misuse or dependency, a specialist medical examination (in accordance with DVLA Group 2 medical standards) may be required before the licence is granted. If the applicant was an addict then they would normally be required to show evidence of 5 years free from drug taking after detoxification treatment.

## **11. Driving offences involving the loss of life**

- 11.1 A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life.
- 11.2 A licence will not normally be granted unless the applicant is free of conviction for 7 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), if he has a conviction for:
- Causing death by dangerous driving
  - Causing death by careless driving whilst under the influence of drink or drugs
  - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above
- 11.3 Before a licence is granted, an applicant should be free of conviction for 3 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), if he has a conviction for:
- Causing death by careless driving
  - Causing death by driving: unlicensed, disqualified or uninsured drivers

## **12. Drink driving/driving under the influence of drugs**

- 12.1 As licensees are professional vocational drivers, a serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or drugs. An isolated incident would not necessarily debar an applicant from proceeding on the restoration of his DVLA driving licence, but he should be warned as to the significant risk to his licence status in the event of re-offending. More than one conviction for

these offences raises significant doubts as to the applicant's fitness to drive the public. At least 3 years, after the restoration of the driving licence, following a drink drive conviction should elapse before an application will be considered. If there is any suggestion that the applicant is alcohol or drug dependent, a satisfactory special medical report must be provided before the application can be allowed to proceed.

### **13. Outstanding charges or summonses**

- 13.1 If the individual is the subject of an outstanding charge or summons, their application can continue to be processed, but the application will need to be reviewed at the conclusion of proceedings. Where information is received through the Notifiable Occupations Scheme on existing licence holders, consideration will be made by Council Officer's or at Committee, which ever is appropriate in the circumstances.
- 13.2 If the outstanding charge or summons involves a serious offence, and the individual's conviction history indicates a possible pattern of unlawful behaviour or character trait then, in the interests of public safety, the application may be put on hold until proceedings are concluded or the licence may be refused.
- 13.3 A suspension or revocation of the licence of a driver takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver. If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver includes a statement that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver. [Road Safety Act 2006, s 52, 2A&2B]

### **14. Non-conviction information**

- 14.1 If an applicant has, on more than one occasion, been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration should be given to refusing the application. Such offences would include serious violent offences and serious sex offences.
- 14.2 In assessing the action to take, the safety of the travelling public must be the paramount concern.

### **15. Cautions**

- 15.1 Admission of guilt is required before a caution can be issued. Every case will be considered on its own merits including the details and nature of the offence.

### **16. Licensing offences**

- 16.1 Certain offences under Taxi legislation, such as plying for hire, overcharging and refusing to carry disabled persons, would normally prevent a licence being granted or renewed until a period of 3 years has passed since.

### **17. Insurance offences**

- 17.1 A serious view will be taken of convictions of driving, or being in charge of a vehicle, without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided the applicant has been free of conviction for 3 years; however, strict warning should be given as to future behaviour. More than one conviction for these offences would normally prevent a licence being granted or renewed.
- 17.2 At least three years should elapse (after the restoration of the DVLA driving licence), before a licence would normally be granted for a Hackney Carriage or Private Hire drivers licence. An Operator found guilty of aiding and abetting the driving passengers

for hire and reward whilst without insurance will have his Operators' licence revoked immediately, and prevented from holding a licence for three years.

## **18. Overseas residents**

18.1 If a Private Hire Operator applicant has spent six continuous months or more overseas during the last five years, the Licensing Authority will expect to see evidence of a criminal record check or Certificate of Good Conduct from the country/countries covering the period.

## **19. Licences issued by other licensing authorities**

19.1 Applicants who hold a licence with one Licensing Authority should not automatically assume that their application will be granted by another. Each case will be decided on its own merits.

## **20. Breaches of Licence Conditions**

20.1 Hackney Carriage and Private Hire driver licences are granted subject to certain conditions, which must be complied with.

20.2 An isolated breach of a licence condition will normally only result in the licence holder being issued with a written warning by the Licensing Officer.

20.3 Multiple, repeated or serious breaches of licence condition will result in the licence being reviewed and potentially refused, revoked or suspended.

20.4 The Licensing Authority will then have regard to all the circumstances including:-

- The seriousness of the breach(s)
- Any previous convictions, cautions or fixed penalties received
- The licence holder's previous compliance record
- Evidence of previous good character
- Any mitigating factors involved in the commission of the breach(s)

20.5 The Licensing Authority will then take such of the following steps as they feel are necessary, reasonable and proportionate, having regard to the need to protect the public and ensure that licences are only held by fit and proper persons:-

- Issue a warning to the licence holder about their future conduct.
- Suspend the licence
- Revoke the licence
- Refuse to renew the licence (if such an application is being considered)

## **21. Summary**

21.1 To summarise, a criminal history in itself may not automatically result in refusal, and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed. As the preceding paragraphs indicate, in most cases, an applicant would be expected to remain free from conviction for 3 to 10 years, according to circumstances, before an application can be considered. However, there may be occasions when an application can be allowed before 3 years free from conviction have elapsed.

21.2 Any person who has committed an offence and has to wait before an application is positively considered is more likely to value their licence and act accordingly.

21.3 While it is possible that an applicant may have a number of convictions that, individually, meet the above guidelines, the overall offending history must be considered when assessing an applicant's suitability to be licensed. A series of

offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Obviously some discretion can be afforded if an offence disclosed is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.

### Subsection 1 - Motoring offences and penalty points

The following is a guide to the number of penalty points a court may impose, it does not reflect the fact that some offences may incur a disqualification. These codes are recorded from information supplied by the courts (accurate at the time of this document).

Code	Offence	Penalty Points
<b>Accident Offences</b>		
AC10	Failing to stop after an accident	5-10
AC20	Failing to give particulars or to report an accident within 24 hours	5-10
AC30	Undefined accident offences	4-9
<b>Disqualified Driver</b>		
BA10	Driving whilst disqualified by order of court	6
BA30	Attempting to driver while disqualified by order of court	6
<b>Careless Driving</b>		
CD10	Driving without due care and attention	3-9
CD20	Driving without reasonable consideration for other road users	3-9
CD30	Driving without due care and attention or without reasonable consideration for other road users	3-9
CD40	Causing death through careless driving when unfit through drink	3-11
CD50	Causing death by careless driving when unfit through drugs	3-11
CD60	Causing death by careless driving with alcohol level above the limit	3-11
CD70	Causing death by careless driving then failing to supply a specimen for analysis	3-11
CD71	Causing death by careless driving then failing to supply A specimen for drug analysis	3-11
CD80	Causing death by careless, or inconsiderate, driving	3-11
CD90	Causing death by driving: unlicensed, disqualified or Uninsured drivers	3-11
<b>Construction &amp; Use Of Offences</b>		
CU10	Using a vehicle with defective brakes	3
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicles 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 steering	3
CU50	Causing or likely to cause danger by reason of load or passengers	3
C80	Using a mobile phone while driving a vehicle	3
<b>Dangerous Driving</b>		
DD40	Dangerous Driving	3-11
DD60	Manslaughter or culpable homicide while driving a vehicle	3-11

DD90	Furious Driving	3-9
<b>Drink or Drugs</b>		
DR10	Driving or attempting to drive with alcohol level above limit	3-11
DR20	Driving or attempting to drive while unfit through drink	3-11
DR30	Driving or attempting to drive then failing to supply a specimen for analysis	3-11
DR40	In charge of a vehicle while alcohol level above limit	10
DR50	In charge of 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	Failure to supply a specimen for drug analysis 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	3-11
DR90	In charge of a vehicle when unfit through drugs	3-11
<b>Insurance Offences</b>		
IN10	Using a vehicle uninsured against third party risks	6-8
<b>Licence Offences</b>		
LC20	Driving otherwise than in accordance with the licence	3-6
LC30	Driving after making a false declaration about fitness when applying for a licence	3-6
LC40	Driving a vehicle having failed to notify a disability	3-6
LC50	Driving after a licence has been revoked or refused on medical ground	3-6
<b>Miscellaneous Offences</b>		
MS10	Leaving a vehicle in a dangerous position	3
MS20	Unlawful pillion riding	3
MS30	Play street offences	2
MS50	Motor racing on the highway	3-11
MS60	Offences not covered by other codes	As Appropriate
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.	3
<b>Motorway Offences</b>		
MW10	Contravention of Special Roads Regulations (excluding speed limits)	3
<b>Pedestrian Crossings</b>		
PC10	Undefined Contravention of Pedestrian Crossing Regulation	3
PC20	Contravention of Pedestrian Crossing Regulations with moving vehicle	3
PC30	Contravention of Pedestrian Crossing Regulations with stationary vehicle	3
<b>Speed Limits</b>		
SP10	Exceeding goods vehicle speed limits	3-6
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)	3-6
SP30	Exceeding statutory speed limit on a public road	3-6
SP40	Exceeding passenger vehicle speed limit	3-6
SP50	Exceeding speed limit on a motorway	3-6
<b>Traffic Directions And Signs</b>		
TS10	Failing to comply with traffic light signals	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 a traffic sign (excluding stop signs, traffic signs or double white lines)	3
TS60	Failing to comply with a school crossing patrol sign	3
TS70	Undefined failure to comply with a traffic direction sign	3
<b>Special Code</b>		
TT99	To signify a disqualification under totting-up procedure. If the total of penalty points reaches 12 or more within 3 Years, the driver is liable to be disqualified	
<b>Theft or Unauthorised Taking</b>		
UT50	Aggravated taking of a vehicle	3-11

### **Aiding, abetting, counseling or procuring**

Offences as coded, but with 0 changed to 2 e.g. LC10 becomes LC12.

### **Causing or permitting**

Offences as coded, but with 0 changed to 4 e.g. LC10 becomes LC14.

### **Inciting**

Offences as coded, but with the end 0 changed to 6 e.g. DD40 becomes DD46.

### **Non-endorsable offences**

Some offences are non-endorsable. A non-endorsable offence is an offence which courts do not endorse onto paper counterpart. No penalty points are attributed to these offences but they carry a period of disqualification.

At the end of the disqualification (over 56 days) the driver will have to apply for a renewal licence together with the appropriate fee. Any queries about offences and endorsements should be directed to the convicting court.

### **Period of time**

Periods of time are signified as follows: D=Days, M=Months, Y=Years

Endorsements remain on a counterpart licence for the following periods of time:

Endorsements must remain on a licence for 11 years from date of conviction if the offence is

- Drinking/drugs and driving (shown on the licence as DR10, DR20, DR20 and DR80).
- Causing death by careless driving whilst under the influence of drink/drugs (shown on the licence as CD40, CD50 and CD 60).
- Causing death buy careless driving, then failing to provide a specimen for analysis (shown on the licence as CD70).

Or 4 years from the date of conviction if the offence is as listed below

- Reckless/dangerous driving (shown on the licence as DD40, DD60 and DD80).
- Offences resulting in disqualification.
- Disqualified from holding a full licence until a driving test has been passed.

Or 4 years from the date of offence in all other cases.

Source [www.direct.gov.uk](http://www.direct.gov.uk)

## APPENDIX C

### THE TESTING OF NEW APPLICANTS & DRIVER TRAINING

#### 1. Introduction

- 1.1 In order to maintain the high standards that the Council expects of its drivers operating within the Borough, a review has taken place as to how new driver's knowledge of locations and conditions is assessed.
- 1.2 Complaints are received from time to time by the Council, from members of the public and the Hackney Carriage and Private Hire trade, regarding the driver's ability to find destinations or to read road signs and A to Z maps.
- 1.3 Applicants for a Hackney Carriage or Private Hire driver's licence are required to undergo a written test as part of the process of satisfying the Council that they are suitable persons to hold such a licence.

#### 2. Driver Test Failures

- 2.1 The initial fees for a new drivers licence application include the cost of a Knowledge Test. Applicants who fail their first Knowledge Test will be invited to take a different test on another occasion at a cost as laid out on the fees and charges. They will not be considered for a Hackney Carriage driver's licence or a Private Hire drivers licence until they have achieved the requisite pass rate in all of the tests.

#### 3. Driving Practical Assessment

All new applicants for a Private Hire or Hackney drivers badge, will be required to pass the relevant driving practical assessment as provided by a recognised Driving Practical Assessor (please contact the Licensing Department for details of this provider.)

##### 3.1 The Test

The benefits of the driving assessment are:

- Qualified personnel carry out a properly constructed assessment to a National Standard.
- A recognised pass certificate is issued to the successful applicant.
- The standard of driving will improve for both applicants and existing drivers.
- If driving standards improve then there will be fewer driving convictions, leading to fewer Committee hearings.
- Assessments are for new applicants and for existing Hackney or Private Hire drivers. Drivers can also be referred for assessment for any reason in order to improve or check their driving skills, for example after a serious motoring conviction.
  - Hackney Carriage / Private Hire drivers benefit from increased credibility with customers due to the official certification from a recognised authority.
- Enables the Council to demonstrate its commitment to ensuring the safety and welfare of passengers, and to provide a quality, audited service to the community.

#### **4. The Legal Position**

- 4.1 The Council is only empowered to grant a driver's licence (Hackney Carriage or Private Hire) if the Council is satisfied that the applicant is a fit and proper person to hold such a licence. The legislation allows the Council to seek information from the applicant to enable the Council to determine whether the licence should be granted, or whether conditions should be attached to any licence granted. In common with most licensing authorities, the Council requires an applicant for a driver's licence to submit information as to the applicant's medical fitness and to sit a local area 'Knowledge Test'.
- 4.2 It is proposed that the Council may require, dependent on the merits of each case, a further driving practical or other assessment test for those drivers whose driving competency has been brought into question in circumstances such as:
- (i) where the Courts had ordered that a driver should re-take the standard driving test following a driving ban;
  - (ii) where the Courts had imposed a driving ban, for example following a serious driving offence or due to the totting up procedure;
  - (iii) where sufficient penalty points had been accrued to warrant a ban, whether or not the Courts had imposed a ban;
  - (iv) where none of the above necessarily applied, but where there was sufficient evidence of a lack of driving competency;
  - (v) where a driver has twelve or more penalty points on their DVLA licence.

## **APPENDIX D**

### **CODE OF GOOD CONDUCT FOR LICENSED DRIVERS**

In order to promote its licensing objectives as regards Hackney Carriage and Private Hire licensing, drivers are expected to follow the Code of Good Conduct, which should be read in conjunction with the other statutory and policy requirements set out in this document.

#### **Responsibility of the Trade**

Licence holders shall endeavour to promote the image of the Hackney Carriage and Private Hire trade by:

- (a) complying with this Code of Good Conduct;
- (b) complying with all the Conditions of their Licence and the Council's Hackney Carriage and Private Hire Licensing Policy;
- (c) behaving in a civil, orderly and responsible manner at all times.

#### **Responsibility to Customers**

Licence holders shall:

- (a) maintain their vehicles in a safe and satisfactory condition at all times;
- (b) keep their vehicles clean and suitable for hire to the public at all times;
- (c) attend punctually when undertaking a pre-booked hiring;
- (d) assist, where necessary, passengers into and out of vehicles;
- (e) offer passengers reasonable assistance with luggage.

#### **Responsibility to Local Residents and other Road users**

To avoid nuisance to residents and other road users when picking up, dropping off or waiting for a fare, a driver shall:

- (a) not sound the vehicle's horn;
- (b) keep the volume of any amplified music to a minimum;
- (c) switch off the engine if required to wait;
- (d) take whatever additional action is necessary to avoid disturbance to residents in the neighbourhood;
- (e) park and/or stop considerately.

**At Taxi ranks and other places (e.g. train stations) where Hackney Carriages ply for hire by forming queues, drivers shall, in addition to the requirements above:**

- (a) rank in an orderly manner and proceed along the rank in order and promptly;
- (b) remain in or close to the vehicle.

**At Private Hire offices a licence holder shall:**

- (a) not undertake servicing or repairs of vehicles;
- (b) not allow their radio/cassette/cd players/digital radios to cause disturbance to residents of the neighbourhood;
- (c) take whatever additional action is necessary to avoid disturbance to residents of the neighbourhood which might arise from the conduct of their business.

### **General Information**

Drivers shall:

- (a) pay attention to personal hygiene and dress so as to present a professional image to the public;
- (b) be polite, helpful and fair to passengers;
- (c) drive with due care and consideration for other road users and pedestrians and, in particular, shall not use a mobile phone whilst driving;
- (d) obey all Traffic Regulation Orders and directions at all time;
- (e) not smoke in the vehicle;
- (f) not consume alcohol immediately before or at any time whilst driving or being in charge of a Hackney Carriage or Private Hire vehicle;
- (g) not drive while having misused legal or illegal drugs;
- (h) comply with legislation regarding the length of working hours, if applicable.

### **Suspension, Revocation or refusal to renew a drivers licence**

Drivers should be aware of the powers the Council has to take action, by way of suspension, revocation or refusal to renew a driver's licences where:

- (a) the driver has been convicted, since the grant of the licence, of an offence involving dishonesty, indecency or violence;
- (b) the driver has been convicted, since the grant of the licence, of an offence under or has failed to comply with the provisions of the Town Police Clauses Act 1847 or the Local Government (Miscellaneous Provisions) Act 1976;
- (c) there is any other reasonable cause, such as a breach of condition or of this code

Details of the workings of the disciplinary hearings are set out in **Appendix F**.

**PLEASE NOTE:**

**ANY AMOUNT OF ALCOHOL OR DRUGS CAN AFFECT A DRIVER'S JUDGEMENT. THE COUNCIL WILL TAKE A VERY SERIOUS VIEW OF ANY DRIVER BEING FOUND TO HAVE HAD ANY ALCOHOL, OR HAVING MISUSED ANY DRUGS, WHILST IN CHARGE OF A LICENSED VEHICLE.**

## **APPENDIX E**

### **TAXI LICENSING AND ENFORCEMENT PRACTICE**

#### **1. Enforcement Statement**

- 1.1 It is the practice of Woking Borough Council to ensure that Taxi drivers and Operators are licensed correctly, and carry out their trade in accordance with both the relevant Law and the conditions attached to the licences.
- 1.2 All enforcement action, be it the issue of verbal warnings, written warnings, statutory notices, appearance before the Sub-Committee or prosecution, will primarily be based upon the seriousness of the breach and the possible consequences arising from it. Enforcement action will not be used as a punitive response to minor technical contraventions of legislation, but will be used as a means of ensuring the safety and protection of the travelling public and others affected by the licensee's actions .
- 1.3 Specific advice on the issue of licences and enforcement action where the applicant or licensee has convictions or cautions for specific offences is contained elsewhere in this guidance.
- 1.4 Authorised Officers, when making enforcement decisions, will abide by this policy. Any departure from the policy must be exceptional, capable of justification, fully considered and agreed by the Senior Licensing Officer or above before the decision is taken (unless it is considered that there is significant risk to the public in delaying the decision).
- 1.5 Authorised Officers must be fully acquainted with the requirements of the policy and appropriate training will be provided where required.
- 1.6 Officers will be authorised by the Legal Services Manager to take enforcement action relevant and appropriate to their level of competence. Competency will be assessed individually by reference to qualifications and experience.

#### **2. Enforcement Options**

- 2.1 Achieving and maintaining a consistency of approach in the making of all decisions that concern Taxi Licensing and enforcement action, including prosecution, is of paramount importance. To achieve and maintain consistency, it is vital that the policy guidelines are always considered and followed where appropriate.
- 2.2 Licence application and enforcement decisions must always be consistent, balanced, fair and relate to common standards, which ensure that the public are adequately protected. In reaching any decision many criteria must be considered including the:
  - seriousness of any offences;
  - driver or Operator's past history;
  - consequence(s) of non-compliance;
  - likely effectiveness of the various enforcement options;
  - danger to the public.

2.3 Having considered all relevant information and evidence, the choices for action are:-

2.3.1 Taxi and Private Hire Licence Applications:

- grant a licence subject to the Council's Standard Conditions;
- grant a licence subject to additional conditions;
- refuse to grant a licence.

2.3.2 Enforcement Action:

- take no action;
- take informal action;
- use statutory notices, (stop notices etc.);
- suspend a licence;
- revoke a licence;
- prosecution

2.4 This document provides detailed guidance applicable to the various options for enforcement action.

### 3. Informal Action

3.1 Informal action to secure compliance with legislation or other requirements includes offering advice, and verbal and written warnings.

3.2 Such informal enforcement action may be appropriate in any of the following circumstances:

- the act or omission is not considered serious enough to warrant more formal action;
- from the individual driver or Operator's past history it can be reasonably expected that informal action will achieve compliance;
- confidence in the Operator's management is high;
- the consequences of non-compliance will not pose a significant risk to the safety of the public.

Even where some of the above criteria are not met, there may be circumstances in which informal action will be more effective than a formal approach.

### 5. Section '68' Notices

Where a fault or defect is found in a Hackney Carriage or Private Hire vehicle, an Authorised Officer may serve notice in writing requiring the vehicle, or the Taximeter affixed to such vehicle, to be examined at a Council appointed garage. This notice must only be served having had due regard to the condition of the vehicle or where there are reasonable grounds to suspect the accuracy of the Taximeter.

An Authorised Officer may, in addition to requiring the vehicle to be tested, suspend the vehicle licence until such time as he is satisfied with the condition of the Hackney Carriage or Private Hire Vehicle. This action will only be taken where he/she has reasonable grounds to suspect that the condition of the vehicle is an immediate danger to passengers and/or other road users.

## **6. Appeals**

- 6.1 Appeals by drivers against decisions of officers, or the Licensing Committee, to refuse to grant a licence, to impose conditions, to suspend or revoke, or to refuse to renew a licence may be made to the Magistrates' Court.

## **7. Prosecution**

- 7.1 The decision to prosecute is a very significant one. It will, in general, be restricted to those circumstances where there is reason to believe that the law has been blatantly disregarded and/or the public is put at serious risk. Such circumstances are, however, in a minority. It is important that the criteria on which a decision to prosecute is made are clear and ensure a consistent approach.

- 7.2 The circumstances which are likely to warrant prosecution, may be characterised by one or more of the following:

- where there is a blatant disregard for the law, particularly where the economic advantages of breaking the law are substantial and the law-abiding are placed at a disadvantage to those who disregard it;
- when there appears to have been reckless disregard for the safety of passengers or other road users;
- where there have been repeated breaches of legal requirements;
- where a particular type of offence is prevalent;
- where a particular contravention has caused serious public alarm.

- 7.3 When circumstances have been identified which may warrant a prosecution, all relevant evidence and information must be considered, to enable a consistent, fair and objective decision to be made.

- 7.4 Before referring a matter to the Head of Legal and Democratic Services for possible prosecution, the Licensing Department must be satisfied that there is sufficient relevant, admissible and reliable evidence to prove that an offence has been committed by an identifiable person or company. There must be a realistic prospect of conviction; a bare prima facie case is not enough. The Licensing Department will seek advice from the Council's Legal Department where appropriate. Where there is insufficient evidence to prosecute, the issue of a formal caution is not an alternative.

- 7.5 In addition to being satisfied that there is sufficient evidence to provide a realistic prospect of conviction, the Head of Legal and Democratic Services must be satisfied that it is in the public interest to prosecute. The Code for Crown Prosecutors, (November 2004) issued by the Crown Prosecution Service, provides guidance as to the principles to be applied, including as to relevant public interest factors.

- 7.6 When a decision is being taken on whether to prosecute, the factors to be considered may include:

- the seriousness of the alleged offence;
- the risk or harm to the public;
- the existence of identifiable victims;
- failure to comply with a statutory notice served for a significant breach of legislation;
- disregard of safety for financial reward;
- the previous history of the person concerned;
- offences following a history of similar offences;
- failure to respond positively to past warnings;

- the ability of any important witnesses and their willingness to cooperate;
- the willingness of the party to prevent a recurrence of the problem;
- the probable public benefit of a prosecution and the importance of the case e.g. whether it might establish a legal precedent;
- whether other action, such as issuing a formal caution in accordance with the Home Office Circular 16/2008 would be more appropriate or effective.

(As indicated above, advice on the public interest is contained in the Code for Crown Prosecutors. The general thrust of the advice contained therein is that, the graver the offence, the more likely that the public interest will require a prosecution).

7.7 The final decision whether to instigate a prosecution rests with the Head of Democratic and Legal Services.

## **8. Transparency**

8.1 Following an inspection, the licence holder will be informed of any action intended to be taken as soon as possible.

8.2 Following the completion of an investigation into a complaint, or any enforcement activity, the licence holder will be informed of the action intended to be taken.

8.3 Any written documentation issued or sent will:

- contain all the information necessary to understand the problem and what needs to be done to rectify it. Where works are required, the period allowed for them to be completed will be indicated;
- indicate the legislation or conditions contravened and measures which will enable compliance with the legal requirements and point out, where appropriate, that other means of achieving the same effect may be chosen; and
- clearly indicate any recommendations of good practice under an appropriate heading, to show that they are not a legal requirement.

8.4 The clear distinction between legal requirements and matters which are recommended as good practice in all enforcement action, even if only giving verbal advice, is vitally important.

## APPENDIX F

### GUIDELINES FOR DEALING WITH OFFENCES COMMITTED DURING THE TERM OF A LICENCE

#### 1. General Policy

The holders of both Hackney Carriage and Private Hire Vehicle driver's licences must immediately report all criminal convictions and driving offences, which occur during the currency of their licence, to the Licensing Department. In addition, breaches of the relevant legislation or conditions attached to driver, Operator and vehicle licences may come to light following complaints, enforcement action or investigations. The action to be taken in response to such matters will be determined on its merits depending on the particular circumstances of the individual case, however, set out below are some general principles which may be followed.

#### 2. Matters Normally To Be Dealt With By the Licensing Department under Delegated Powers

The Licensing Department may deal directly, or request the Senior Licensing Officer, to deal with less serious first offences without referring the matter to the Licensing Committee. They may choose to take no action or may issue warnings as to future conduct.

##### 2.1 Convictions for minor traffic offences

In the case of a single conviction, no action will normally be warranted. However, if more than one offence is committed, then a warning as to future driving standards will normally be issued. A range of options are, however available. (**see Appendix B Sub Section 1 – Traffic Offences**)

##### 2.2 Disqualification from driving following the 'Totting Up' procedure or for drink driving.

As the driver ceases to have a valid DVLA driving licence, his Taxi driver's licence must be revoked. An application for a new licence may be made once the DVLA licence is restored and this will be treated in accordance with the appropriate guidelines for new applications (specifically, the applicant will have to have held a full driving licence for 12 months before they can apply, as per Section 51 of the LGMPA 1976.)

##### 2.3 Failure to report a conviction or caution

The failure to report a conviction, or caution, within a reasonable time will normally be dealt with by issuing a written warning, in addition to any further action that may be warranted by the nature of the offence.

##### 2.4 Failure to report an accident

The failure to report an accident to the Licensing Department will normally be dealt with, in the first instance, by issuing a written warning depending on the severity of the accident.

## **2.5 Defective Vehicles**

If during routine enforcement work, or following the investigation of a complaint, a defect is identified on a licensed vehicle that could affect safety, such as a worn tyre, the Licensing Department will issue a stop notice with immediate effect. This will stop the vehicle being used as a Taxi or Private Hire vehicle, as appropriate, until the defect is remedied.

## **2.6 Refusal to carry a passenger in a Hackney Carriage**

In these circumstances the driver will be invited to state the reasons for his actions and if the Licensing Department is satisfied that the driver had a justifiable reason, then no action will be taken. If, however, there appears to be no acceptable justification for the refusal, the matter will normally be dealt with by the issue of a written warning. Subsequent offences would, however, result in referral to the Delegated Authority who may bring it before the Licensing Committee.

## **2.7 Unauthorised ranking**

This will, dependent on circumstances, normally result in the issue of a verbal or written warning. Subsequent contraventions will result in referral to the Delegated Authority who may bring it before the Licensing Committee.

## **2.8 Private Hire vehicle plying for hire**

This will result in referral to the Delegated Authority who may bring it before the Head of Legal and Democratic Services for consideration of prosecution.

## **2.9 Exceeding the allowed number of passengers**

This will normally result in the issue of a simple caution. Subsequent contraventions will result in referral to the Delegated Authority who may bring it before the Licensing Committee.

## **2.10 Touting for business**

This will normally result in the issue of a written warning. Subsequent contraventions will result in referral to the Delegated Authority who may bring it before the Licensing Committee, or the Head of Legal and Democratic Services, for prosecution.

## **2.11 Illegal advertising on vehicle**

This will normally result in the issue of a written warning. Subsequent contraventions will result in referral to the Delegated Authority who may bring it before the Licensing Committee. The offending advertisement must be immediately removed.

## **2.12 Failure to display plates or badges**

This would normally result in a written warning. Subsequent contraventions will result in referral to the Delegated Authority who may bring it before the Licensing Committee.

### **2.13 Confirmed complaints of rude or aggressive behaviour**

In less serious cases, a warning as to future conduct will be given. However, if the nature or level of aggression leads the Licensing Department to be concerned about public safety, the matter will be referred to the Delegated Authority who may take appropriate action.

### **2.14 Presence in the vehicle of unauthorised telecommunication apparatus**

This will normally result in the issue of a written warning. Subsequent contraventions will result in referral to the Delegated Authority who may bring it before the Licensing Committee.

### **2.15 Failure to comply with a lawful requirement or instruction from an Authorised Officer of the Council or a police constable.**

The holders of licences are legally obliged, under the relevant legislation, to comply with a number of requirements or instructions given to them by an Authorised Officer of the Council or a Police Constable. These would include, for example, the production of licences, vehicle inspection reports and insurance certificates, or the surrender of licences or plates following suspensions or revocations. Where the licensee has failed to produce a document on time but subsequently does so, the Licensing Department will normally issue a written warning. Where, however, they do not produce the documents, despite reasonable attempts to persuade them do so, the matter will be referred to the Delegated Authority. Where a driver or proprietor has failed to return a licence or plates following a revocation of a licence, the only sanction open to the Licensing Department is to recommend a prosecution.

### **2.16 Obstructing an Authorised Officer of the Council or a Police Constable in the execution of his duty.**

If the holder of a licence has, in the officer's opinion, obstructed an authorised officer of the Council or a Police Constable in carrying out their duties under the relevant legislation, it will be considered to be a very serious matter and will normally be recommended for prosecution.

### **2.17 Prosecutions**

In circumstances where such action is justified in accordance with this enforcement policy, the Licensing Department (on behalf of the Head of Service) may recommend proceedings to prosecute offenders without first referring the matter to the Licensing Committee. The Head of Legal and Democratic Services will decide whether there is sufficient evidence and whether it is in the public interest to prosecute.

## **3. MATTERS TO BE DEALT WITH BY THE LICENSING REGULATORY SUBCOMMITTEE**

The Licensing Regulatory Sub-Committee may be asked to determine the most appropriate action where further offences occur within 2 years of the issue of a warning or other actions (including suspension) taken by the Licensing Department. The Sub-Committee may choose to take any action open to the Licensing Officer. Whilst it is not possible to cover every conceivable offence, listed below are those specific matters which will normally be referred to the Sub-Committee. The Licensing Regulatory Sub-Committee may decide to take any of the actions open to them dependent on the facts of each particular case:

1. Traffic offence
2. Insurance
3. Medical Fitness
4. Drunkenness
5. Drug Offences
6. Dishonesty
7. Overcharging a passenger
8. Serious complaints against Drivers

## APPENDIX G

### PRIVATE HIRE OPERATOR'S LICENCE CONDITIONS

#### 1. STANDARDS OF SERVICE

1. The Operator shall keep **(in permanent and easily legible form)** a record of the following particulars in respect of every booking of a Private Hire vehicle operated by him, whether the booking is effected directly with the hirer or undertaken at the request of another Operator:

- (a) the date and time of the booking;
- (b) the date and time of commencement of the journey;
- (c) the name of the hirer;
- (d) the place or places at which the passenger or passengers were collected;
- (e) the place or places at which the passenger or passengers were set down;
- (f) the Private Hire vehicle licence number of the vehicle used;
- (g) the name and licence number of the driver;
- (h) the fare charged and whether or not calculated by means of a meter.

2. The Operator shall keep **(in permanent and easily legible form)** a record of the following particulars of every Private Hire vehicle operated by him:

- (a) the make;
- (b) the model;
- (c) the registration mark;
- (d) the Private Hire vehicle licence number;
- (e) the expiry date of the Private Hire vehicle;
- (f) the District Council who issued the Private Hire vehicle licence;
- (g) the proprietor of the vehicle;
- (h) a service history of each vehicle including details of any modifications thereto and details of all accident repairs.

3. The Operator shall notify Woking Borough Council of any material change in the circumstances on the basis of which the licence was granted. In particular the Operator must inform the Council of:

- (a) any change of place of business or any additional place of business;
- (b) if the Operator is a Company, any change in the address of the registered office;

- (c) any change in the nature of the business carried on by him;
- (d) any change in the composition of the firm if a partnership;
- (e) any convictions recorded against the Operator or a partner of his;
- (f) any other change in the information given by the Operator to the Council at the time of granting the current licence;
- (g) details of all staff connected with running of Operator's licence.

**Notification must be given in writing within fourteen days of the event.**

4. No advertising material, letter headings or other stationery, or any business name used by the Operator, shall include the words 'Taxi' or 'Cab' whether in the singular or plural and whether they form part of another word or not.
5. When a booking is accepted for a Private Hire vehicle to be present at a particular time and place, the Operator shall take all reasonable steps to ensure that such a vehicle is so present.
6. The Operator shall ensure that all vehicles used by him and all drivers employed by or contracted to him are properly licensed, and the conditions attached to those licences are complied with at all times.
7. The Operator shall keep a copy of driver and vehicle licences and insurance details.

**Important note**

The above conditions are additional to the requirements of the LGMPA Act 1976. Licence holders are required to be fully conversant with the relevant requirements of this Act, but the most important are summarised below:

- (i) No Operator shall operate any vehicle in a controlled district as a Private Hire vehicle unless both vehicle and driver are correctly licensed under the Act. (Section 46)
- (ii) An Operator who accepts a booking for a Private Hire vehicle is liable under the contract for its hire whether or not he himself provides the vehicle. (Section 56(1))
- (iii) The particulars required to be kept under conditions 1 and 2 must be produced to an Authorised Officer of the Council or to a Police Officer when required (Section 56(2) and (3), as must this licence. Section 56(4))

**2. Conditions attached to the display of door signs on Private Hire vehicles**

It shall be the responsibility of the Operator to ensure that all Private Hire vehicles under his control display the door signs in accordance with the conditions below:

- (i) The sign shall be displayed on the front doors of the Private Hire vehicle only.
- (ii) The sign shall only give details of the name, address and telephone number of the Private Hire company from which the licensee obtains his clients.

- (iii) The word 'Taxi' or 'cab' whether in the singular or the plural should not form part of the sign.
- (iv) The proprietor should be able to easily remove the sign should the vehicle's licence be suspended, revoked or not renewed, and he shall be responsible for its removal.
- (v) The proprietor shall submit for the approval of the Council the proposals for the sign prior to its display.
- (vi) These signs are compulsory.

**You are further advised that:**

- (a) To operate a Private Hire vehicle is to make provision in the course of business for the invitation or acceptance of bookings for it.
- (b) This licence is granted to a particular person and cannot be sold or transferred. Therefore, for example, a new owner of the business must apply for a new licence.
- (c) The carrying on of a business may need planning permission. Operators must comply with all relevant legislation.

## **APPENDIX H**

### **PRIVATE HIRE DRIVER'S LICENCE CONDITIONS**

1. The licensee shall notify Woking Borough Council, in writing, of any conviction or caution recorded against him/her by any Court within seven days of such conviction being imposed.
2. The licensee shall, within 42 days of the date of an offence, notify the Council in writing of any Fixed Penalty or Points imposed upon him/her which results in an endorsement on his/her UK Driver Licence.
3. The licensee shall report, in writing, any accident involving a licenced vehicle to the Council within 72 hours (or when reasonably practicable).
4. The licensee shall notify the Council, in writing, of any illness or injury affecting his/her fitness to drive in any way.
5. The licensee shall notify the Council, in writing, of any change of his/her address within seven days of such change taking place.

#### **Drivers**

6. The licensee shall not cause or procure or permit any other person to drive a Private Hire Vehicle of which he/she is in charge, except with the consent of the proprietor of the vehicle.
7. The licensee shall ensure that any vehicle he uses, or intends to use for hire and reward, is correctly licenced and fully compliant with the conditions of its licence.

#### **Fitness and stability**

8. Drivers are required to undergo a D4 medical examination by their own doctors every five years up to the age of 60, and annually thereafter.
9. Drivers applying to be licensed or re-licensed after a period of disqualification must have held a "clean" DVLA Licence for at least a year after disqualification.

#### **Personal conduct**

10. The licensee shall, at all times when the vehicle is available or being driven for hire, be clean and respectable in his dress and person; shall behave in an orderly manner; and conduct himself with civility and propriety towards every person seeking to hire, or hiring or being conveyed in the vehicle.
11. The licensee shall not, except with the express consent of the hirer, drink or eat in the vehicle.
12. The licensee shall not, except with the express consent of the hirer, play any radio or sound reproducing equipment in the vehicle other than for communicating with the Operator.
13. The licensee shall at no time cause or permit the noise emitted by any radio equipment, or any sound reproducing equipment installed in the Private Hire Vehicle,

to be a source of nuisance or annoyance to any persons whether inside or outside the vehicle.

14. The licensee, when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest practicable route.
15. The licensee shall not, except with the express consent of the hirer, convey any person other than the hirer in the Hackney Carriage Vehicle.
16. The licensee of a Hackney Carriage Vehicle who has agreed, or has been hired to be in attendance with a vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with the Hackney Carriage Vehicle at such appointed time and place.
17. The licensee shall afford all reasonable assistance with passengers' luggage, and comply with the reasonable request of passengers in vehicle.
18. The licensee shall not use a mobile phone whilst driving. Whilst hands free phones are permitted by law, the proprietor shall not use any mobile phone – even on hands free – whilst carrying a passenger for hire or reward.

#### **Identification plates**

19. The licensee shall not conceal either the exterior identification plate of the Private Hire vehicle or the details painted or marked thereon, or the interior display of the Private Hire Vehicle licence numbers from public view, and will keep the identification plate and the display in a clean condition and on display in line with the conditions of the Private Hire Vehicle Licence.

#### **Licence**

20. The licensee shall deposit his Private Hire driving licence issued by the Council with the Private Hire Operator for which the vehicle is being used during the time it is so used for that Operator.
21. This Licence must be produced within five days at the request of an Authorised Officer of the Council or of a Police Officer (Section 53).
22. The driver must at all times when acting under this licence wear the driver's badge issued by the Council in such position and manner as to be plainly visible.
23. The driver shall at all times comply with the instructions of the Council, or their Authorised Officer, concerning any matter relating to his occupation as a Private Hire Vehicle driver.

#### **Hirer's property**

24. The licensee shall, immediately after the termination of any hiring or as soon as practicable thereafter, carefully search the Private Hire Vehicle for any property which may accidentally have been left therein.
25. The licensee of a Private Hire Vehicle shall, if any property is accidentally left therein by any person who may have been conveyed in the vehicle and be found by or handed to him carry it, as soon as possible and in any event within 24 hours if not

sooner claimed by or on behalf of its owner, to a Police Station in the district in order to receive instructions from the Police regarding its custody.

### **Passengers**

26. The licensee shall at all times when a vehicle is hired take all reasonable steps to ensure the safety of passengers conveyed therein, and persons entering and alighting from the vehicle.
27. The licensee shall not permit a Private Hire Vehicle to carry a greater number of passengers than the number prescribed in the licence; for the purpose of this condition two children under the age of ten shall be counted as one person insofar as the rear seating is concerned.
28. The licensee shall not allow any child under the age of 10 years to be conveyed in the front of the vehicle without the prior written consent of an Authorised Officer of the Council.

### **Animals**

29. The driver must carry any passenger accompanied by a guide/assistance dog.
30. The licensee shall not permit any animal to ride in the vehicle except an animal in the custody or control of the hirer, whereby such animal shall be conveyed in the rear of the vehicle.

### **Receipts**

31. The licensee shall, if requested by the hirer, provide him/her with a written receipt for the fare paid.

### **Fares**

32. The licensee shall not demand a fare in excess of that quoted to the hirer by the Operating Company, nor shall any extras be added on without the consent of the hirer.

### **Touting, etc.**

33. The licensee shall not while driving or in charge of a Private Hire Vehicle:
  - (a) tout or solicit on a road or other public place any person to hire or be carried for hire in any Private Hire Vehicle, or
  - (b) cause or procure any other person to tout or solicit on a road, or other public place, any person to hire or be carried for hire in any Private Hire Vehicle.

**In this condition: “road” means “any highway and any other road to which the public has access including bridges over which a road passes”.**

34. The proprietor of a Private Hire Vehicle shall ensure that they only accept jobs given to them by their Licenced Operator – and not accept hiring in any other way.

## **Smoking**

35. It is against the law for anyone (driver or passenger) to smoke in a Hackney or Private Hire Vehicle. It is the drivers responsibility to make sure that this law is complied with at all times (whether working or not).
36. The proprietor must ensure that any vehicle they use display "No Smoking" signs.

## **Cheques**

37. A licence in respect of which the licence fee has been paid by cheque shall not be effective until the cheque has been cleared.

## **Additional Notes**

The Council endeavours to send postal reminders for renewals but the responsibility to book appointments and attend before a licence expires or a test is due is ultimately that of the owner and/or driver.

## **APPENDIX I**

### **HACKNEY CARRIAGE DRIVER'S LICENCE CONDITIONS**

#### **Identification plates**

1. The external identification plate shall remain the property of Woking Borough Council and shall be affixed to the Taxi at all times, by the proprietor at his own expense, in the following manner:
  - (a) at the rear of the vehicle; and
  - (b) to the exterior of the vehicle; and
  - (c) with the number facing to the rear; and
  - (d) in a vertical plane; and
  - (e) affixed by bolts or screws in such a manner as to be easily removed by an Authorised Officer of the Council or Police Constable.
2. The proprietor of the Taxi shall ensure the internal identification plate, where issued by the Council, shall at all times be kept and maintained inside the vehicle in accordance with the reasonable instructions of an Authorised Officer of the Council, in such condition that the information contained on the plate is clearly visible to public view at all times.
3. The proprietor of the Taxi shall ensure the identification plates are maintained and kept in such condition that the information contained on the plate is clearly visible to public view at all times.

#### **Type of vehicle**

4. The proprietor shall ensure that the Taxi shall only be of the type approved for public hire use by Woking Borough Council.
5. The proprietor of the Taxi shall ensure that the exterior colour of the Taxi is one of the manufacturer's colours, the use of which has been approved by the Council.
6. The proprietor shall ensure that the Taxi 'top box' affixed to the vehicle is of the design approved by the Council.

#### **Condition of vehicle**

7. The proprietor shall ensure that the Taxi shall be maintained in a sound mechanical and structural condition at all times, and be capable of satisfying the Council's mechanical and structural inspection at any time during the continuance of the vehicle licence in respect of the vehicle.
8. The interior and exterior of the Taxi shall be kept in a clean condition and maintained in a safe condition by the proprietor to the satisfaction of the Council.
9. The proprietor shall not allow the mechanical and structural specification of the Taxi to be varied without the written consent of the Council.

10. The proprietor shall ensure there is a spare wheel and tools for changing.
11. The proprietor of the vehicle shall:
  - (a) provide sufficient means by which any person in the Taxi may communicate with the driver during the course of hiring
  - (b) cause the interior of the vehicle to be kept wind and water tight
  - (c) provide any necessary windows and means of opening and closing same with not less than one window on each side of the passenger compartment
  - (d) cause the seats in the passenger compartment to be properly cushioned and covered
  - (e) cause the floor in the passenger compartment to be provided with a proper carpet, mat or other suitable covering
  - (f) cause fittings and furniture of the Hackney Carriage Vehicle to be kept in a clean condition and well maintained and in every way fit and safe for public use
  - (g) provide facilities for the conveyance of luggage safely and protected from inclement weather
  - (h) provide at least two doors for use of persons conveyed in such Taxi and a separate means of ingress and egress for the driver.
12. The proprietor shall ensure that, if the vehicle is older than three years from the date of its first registration, they will ensure that the vehicle has two tests per year (i.e. one at time of plate renewal and a 'six month test, (i.e. one roughly half way between the issue and expiry dates.)
13. The proprietor shall ensure that any radio equipment fitted to his Taxi is at all times kept in a safe and sound condition and maintained in proper working order.

#### **Fire Extinguisher/First Aid Kit**

14. The proprietor of the Taxi shall provide and maintain, to the satisfaction of the Authorised Officer of the Council, an efficient fire extinguisher, which shall be securely fixed to the vehicle and easily accessible at all times. The extinguisher shall be manufactured to British Standards and shall show the B.S number. A first aid kit of a type approved by the Council shall be carried in the vehicle at all times.

#### **Advertisements**

15. In broad terms Woking Borough Council will allow Hackney Carriages to carry advertisements, either internally or externally, provided such advertisements meet certain local standards (below) as well as any national or wider advertising standards they would normally have to meet.

The organiser or company wishing to operate a campaign should contact Woking Borough Council's Licensing Team to have designs and/or subject matter verified as acceptable before entering into any agreement with drivers/owners.

Woking Borough Council's local terms and conditions are as follows:

- a)
  - i) commercial advertisements may be displayed on the base of the tip-up seats and above the glass passenger partition. Such advertisements must first be approved by the Council for size and content before display.
  - ii) full, half or similar "body wrap" type signage will be allowed provided no part impedes the drivers' vision, the identifying features of the vehicle (number plate, licence plate, top box, etc.), or any of the vehicles normal functions (lights, mirrors, opening of doors etc.).
- b) details of the operating firm of the Taxi may be displayed on the vehicle but only in accordance with the conditions below:
  - i) front facing signage may be affixed, but only to the front windscreen and in a top nearside position
  - ii) rear facing signage may be affixed, but only to the rear screen and in a bottom central position, or made of such modern material as to not impede the driver's rear view.
  - iii) internal signage may be affixed, but only to the nearside internal partition glass, in top nearside position, facing to the rear
  - iv) no signage shall refer to any Taxi/Private Hire firm, radio circuit, association or telephone number which is outside the Borough area,
  - v) no such signage shall be illuminated.

Woking Borough Council reserves the right to refuse any application to display advertising or signage based on any of the above. It may also refuse advertising or signage where it believes the subject matter or design is not in keeping with the Council's values, could be deemed offensive or is in some way inflammatory.

### **Council notices**

16. The proprietor shall cause to be affixed and maintained, in a conspicuous position in accordance with the directions of the Council, any sign or notices required from time to time by the Council.

### **Passengers**

17. The proprietor shall not permit the Hackney Carriage Vehicle to be used to carry a greater number of passengers than the number prescribed in the licence. For this purpose two children under the age of ten shall be counted as one person insofar as the rear seating only is concerned.
18. The licensee shall, at all times when a vehicle is hired, take all reasonable steps to ensure the safety of passengers conveyed therein and persons entering and alighting from the vehicle.
19. The licensee shall not allow any child under the age of 10 years to be conveyed in the front of the vehicle without the prior written consent of an Authorised Officer of the Council.

## **Taxi Ranks**

20. The proprietor of a Hackney Carriage Vehicle, when waiting on a Taxi Rank and/or available for hire, shall not refuse any fare paying passenger without reasonable excuse.
21. The proprietor of a Hackney Carriage Vehicle must remain with their vehicle if waiting on a Taxi Rank. The vehicle should not be abandoned or left in another drivers care as this means the vehicle is not for hire.

## **Taximeters**

22. The proprietor shall cause the Taxi to be fitted with a Taximeter, approved by the Council and for it to be located within the vehicle in accordance with the reasonable instructions of an Authorised Officer of the Council.
23. The proprietor shall cause the Taximeter to be maintained in a sound mechanical condition at all times.
24. The proprietor shall not use, or permit to be used, a Taximeter that the Council has not sealed to prevent unauthorised adjustment of the Taximeter.
25. The proprietor shall ensure the “for hire” sign or other illuminated sign is extinguished when the fare commences and the Taximeter brought into operation.
26. The proprietor undertakes to ensure that the Taximeter will not be replaced without prior permission of an Authorised Officer of the Council.

## **Receipts**

27. The licensee shall, if requested by the hirer, provide him/her with a written receipt for the fare paid.

## **Fares**

28. The licensee shall not demand a fare in excess of that prescribed by the fare table issued by the Council
29. Where a Hackney Carriage Vehicle is carrying out Private Hire Work (i.e. booked in advance through an Operator) the licensee shall not demand a fare in excess of the amount previously agreed between the hirer and the Operator at the time of booking

## **Fare tables**

30. The proprietor shall ensure that a copy of the current fare table supplied by the Council from time to time is exhibited inside the Taxi at all times in the location provided by the manufacturers of the vehicle, or in accordance with the reasonable instructions of an Authorised Officer of the Council.
31. The licensee shall ensure that the fare table is visible at all times and not concealed from view or rendered illegible while the vehicle is being used for hire.

## **Notifications**

32. The licensee shall notify Woking Borough Council, in writing, of any conviction or caution recorded against him/her by any Court within seven days of such conviction or caution being imposed.
33. The licensee shall, within 42 days of the date of an offence, notify the Council in writing of any Fixed Penalty or Points imposed upon him/her which results in an endorsement on his/her UK Driver Licence.
34. The licensee shall report, in writing, any accident involving a licenced vehicle to the Council within 72 hours (or when reasonably practicable).
35. The proprietor shall notify the Council, in writing, of any change in his/her address within seven days of such change taking place.

## **Cheques**

36. A licence in respect of which the licence fee has been paid by cheque shall not be effective until the cheque has been cleared.

## **Guide / Assistance Dogs**

37. The proprietor of a Taxi shall ensure that any driver carries any passenger accompanied by a Guide/Assistance dog.

## **Drivers**

38. The proprietor shall not cause or procure or permit any person who is not the holder of a current Private Hire driver licence issued by the Council to drive the Private Hire Vehicle.

## **Smoking**

39. It is against the law for anyone (driver or passenger) to smoke in a Hackney or Private Hire Vehicle. It is the drivers responsibility to make sure that this law is complied with at all times (whether working or not).
40. The proprietor must ensure that any vehicle they use display "No Smoking" signs.

## **Transfers**

41. Where a vehicle or licence is transferred to another owner, it is the licence holders responsibility to notify the Licensing Authority as soon as practicable.

## **Additional Notes**

The Council endeavours to send postal reminders for renewals but the responsibility to book appointments (especially the six month test) and attend before a licence expires or a test is due is ultimately that of the owner and/or driver. A vehicle requiring a test every 6 months will have its plate suspended immediately if the due date is exceeded.

## **APPENDIX J**

### **HACKNEY CARRIAGE VEHICLE CONDITIONS**

#### **Identification plates**

1. The external identification plate shall remain the property of Woking Borough Council and shall be affixed to the Taxi at all times, by the proprietor at his own expense, in the following manner:
  - (a) at the rear of the vehicle; and
  - (b) to the exterior of the vehicle; and
  - (c) with the number facing to the rear; and
  - (d) in a vertical plane; and
  - (e) affixed by bolts or screws in such a manner as to be easily removed by an Authorised Officer of the Council, or Police Constable.
2. The proprietor of the Taxi shall ensure the internal identification plate, where issued by the Council, shall at all times be kept and maintained inside the vehicle in accordance with the reasonable instructions of an Authorised Officer of the Council.
3. The proprietor of the Taxi shall ensure the identification plates are maintained and kept in such condition that the information contained on the plate is clearly visible to public view at all times.

#### **Type of vehicle**

4. The proprietor shall ensure that the Taxi shall only be of the type approved for public hire use by Woking Borough Council.
5. The proprietor of the Taxi shall ensure that the exterior colour of the Taxi is one of the manufacturer's colours, the use of which has been approved by the Council.
6. The proprietor shall ensure that the Taxi 'top box' affixed to the vehicle is of the design approved by the Council.

#### **Condition of vehicle**

7. The proprietor shall ensure that the Taxi shall be maintained in a sound mechanical and structural condition at all times and be capable of satisfying the Council's mechanical and structural inspection at any time during the continuance of the vehicle licence in respect of the vehicle.
8. The interior and exterior of the Taxi shall be kept in a clean condition and maintained in a safe condition by the proprietor to the satisfaction of the Council.
9. The proprietor shall not allow the mechanical and structural specification of the Taxi to be varied without the written consent of the Council.
10. The proprietor shall ensure there is a spare wheel and tools for changing.
11. The proprietor of the vehicle shall:
  - (a) provide sufficient means by which any person in the Taxi may communicate with the driver during the course of hiring;

- (b) cause the interior of the vehicle to be kept wind and water tight;
  - (c) provide any necessary windows and means of opening and closing same, with not less than one window on each side of the passenger compartment;
  - (d) cause the seats in the passenger compartment to be properly cushioned and covered;
  - (e) cause the floor in the passenger compartment to be provided with a proper carpet, mat or other suitable covering;
  - (f) cause fittings and furniture of the Hackney Carriage Vehicle to be kept in a clean condition and well maintained, and in every way fit and safe for public use;
  - (g) provide facilities for the conveyance of luggage safely and protected from inclement weather;
  - (h) provide at least two doors for use of persons conveyed in such Taxi, and a separate means of ingress and egress for the driver.
12. The proprietor shall ensure that, if the vehicle is older than three years from the date of its first registration, the vehicle has two tests per year (one at the time of plate renewal and a 'six month' test i.e. roughly half way between the issue and expiry dates.)
13. The proprietor shall ensure that any radio equipment fitted to his Taxi is, at all times, kept in a safe and sound condition and maintained in proper working order.

#### **Fire extinguisher/first aid kit**

14. The proprietor of the Taxi shall provide and maintain, to the satisfaction of the Authorised Officer of the Council, an efficient fire extinguisher, which shall be securely fixed to the vehicle and easily accessible at all times. The extinguisher shall be manufactured to British Standards and shall show the B.S number. A first aid kit of a type approved by the Council shall be carried in the vehicle at all times.

#### **Advertisements**

15. In broad terms Woking Borough Council will allow Hackney Carriages to carry advertisements, either internally or externally, provided such advertisements meet certain local standards (below) as well as any national or wider advertising standards they would normally have to meet.
16. The organiser or company wishing to operate a campaign should contact Woking Borough Council's Licensing Team to have designs and/or subject matter verified as acceptable before entering into any agreement with drivers/owners.
17. Woking Borough Council's local terms and conditions are as follows:
- a)
    - i) commercial advertisements may be displayed on the base of the tip-up seats and above the glass passenger partition. Such advertisements must first be approved by the Council for size and content before display.
    - ii) full, half or similar "body wrap" type signage will be allowed provided no part impedes the drivers' vision, the identifying features of the vehicle (number plate, licence plate, top box, etc.), or any of the vehicles normal functions (lights, mirrors, opening of doors etc.).
  - b) details of the operating firm of the Taxi may be displayed on the vehicle but only in accordance with the conditions below:
    - i) front facing signage may be affixed, but only to the front windscreen and in a top nearside position

- ii) rear facing signage may be affixed, but only to the rear screen and in a bottom central position, or made of such modern material as to not impede the driver's rear view.
- iii) internal signage may be affixed, but only to the nearside internal partition glass, in top nearside position, facing to the rear
- iv) no signage shall refer to any Taxi/Private Hire firm, radio circuit, association or telephone number which is outside the Borough area,
- v) no such signage shall be illuminated.

Woking Borough Council reserves the right to refuse any application to display advertising or signage based on any of the above. It may also refuse advertising or signage where it believes the subject matter or design is not in keeping with the Council's values, could be deemed offensive or is in some way inflammatory.

### **Council notices**

18. The proprietor shall cause to be affixed and maintained, in a conspicuous position in accordance with the directions of the Council, any sign or notices required from time to time by the Council.

### **Passengers**

19. The proprietor shall not permit the Hackney Carriage Vehicle to be used to carry a greater number of passengers than the number prescribed in the licence. For this purpose two children under the age of ten shall be counted as one person insofar as the rear seating only is concerned.
20. The licensee shall, at all times when a vehicle is hired, take all reasonable steps to ensure the safety of passengers conveyed therein and persons entering and alighting from the vehicle.
21. The licensee shall not allow any child under the age of 10 years to be conveyed in the front of the vehicle without the prior written consent of an Authorised Officer of the Council.

### **Taxi Ranks**

22. The proprietor of a Hackney Carriage Vehicle, when waiting on a Taxi Rank and/or available for hire, shall not refuse any fare paying passenger without reasonable excuse.
23. The proprietor of a Hackney Carriage Vehicle must remain with their vehicle if waiting on a Taxi Rank. The vehicle should not be abandoned or left in another drivers care as this means the vehicle is not for hire.

### **Taximeters**

24. The proprietor shall cause the Taxi to be fitted with a Taximeter, approved by the Council and for it to be located within the vehicle in accordance with the reasonable instructions of an Authorised Officer of the Council.
25. The proprietor shall cause the Taximeter to be maintained in a sound mechanical condition at all times.

26. The proprietor shall not use, or permit to be used, a Taximeter that the Council has not sealed to prevent unauthorised adjustment of the Taximeter.
27. The proprietor shall ensure the “for hire” sign or other illuminated sign is extinguished when the fare commences and the Taximeter brought into operation.
28. The proprietor undertakes to ensure that the Taximeter will not be replaced without prior permission of an Authorised Officer of the Council.

### **Receipts**

29. The licensee shall, if requested by the hirer, provide him/her with a written receipt for the fare paid.

### **Fares**

30. The licensee shall not demand a fare in excess of that prescribed by the fare table issued by the Council
31. Where a Hackney Carriage Vehicle is carrying out Private Hire Work (i.e. booked in advance through an Operator) the licensee shall not demand a fare in excess of the amount previously agreed between the hirer and the Operator at the time of booking

### **Fare tables**

32. The proprietor shall ensure that a copy of the current fare table supplied by the Council from time to time is exhibited inside the Taxi at all times in the location provided by the manufacturers of the vehicle, or in accordance with the reasonable instructions of an Authorised Officer of the Council.
33. The licensee shall ensure that the fare table is visible at all times and not concealed from view or rendered illegible while the vehicle is being used for hire.

### **Notifications**

34. The licensee shall notify Woking Borough Council, in writing, of any conviction or caution recorded against him/her by any Court within seven days of such conviction or caution being imposed.
35. The licensee shall within 42 days of the date of an offence, notify the Council in writing of any Fixed Penalty or Points imposed upon him/her which results in an endorsement on his/her UK Driver Licence.
36. The licensee shall report, in writing, any accident involving a licenced vehicle to the Council within 72 hours (or when reasonably practicable).
37. The proprietor shall notify the Council, in writing, of any change in his/her address within seven days of such change taking place.

### **Cheques**

38. A licence in respect of which the licence fee has been paid by cheque shall not be effective until the cheque has been cleared.

### **Guide / Assistance Dogs**

39. The proprietor of a Taxi shall ensure that any driver carries any passenger accompanied by a Guide/Assistance dog.

### **Drivers**

40. The proprietor shall not cause or procure or permit any person who is not the holder of a current Private Hire driver licence issued by the Council to drive the Private Hire Vehicle.

### **Smoking**

41. It is against the law for anyone (driver or passenger) to smoke in a Hackney or Private Hire Vehicle. It is the drivers responsibility to make sure that this law is complied with at all times (whether working or not).
42. The proprietor must ensure that any vehicle they use display "No Smoking" signs.

### **Transfers**

42. Where a vehicle or licence is transferred to another owner, it is the licence holders responsibility to notify the Licensing Authority as soon as practicable.

### **Additional Notes**

The Council endeavours to send postal reminders for renewals but the responsibility to book appointments (especially the six month test) and attend before a licence expires or a test is due is ultimately that of the owner and/or driver. A vehicle requiring a test every 6 months will have its plate suspended immediately if the due date is exceeded.

## **APPENDIX K**

### **PRIVATE HIRE VEHICLE CONDITIONS**

#### **Identification plates**

1. The external identification plate shall remain the property of Woking Borough Council and shall be affixed to the Private Hire Vehicle, at all times, by the proprietor at his own expense, in the following manner:
  - (a) at the rear of the vehicle, and
  - (b) to the exterior of the vehicle, and
  - (c) with the number facing to the rear, and
  - (d) in a vertical plane, and
  - (e) affixed by bolts or screws in such a manner as to be easily removed by an Authorised Officer of the Council or Police Constable.
2. The proprietor of the Private Hire Vehicle shall ensure the internal identification plate, where issued by the Council, shall at all times be kept and maintained inside the vehicle in accordance with the reasonable instructions of an Authorised Officer of the Council, in such condition that the information contained on the plate is clearly visible to public view at all times.
3. The proprietor of the Private Hire Vehicle shall ensure the identification plates are maintained and kept in such condition that the information contained on the plate is clearly visible to public view at all times.

#### **Type of vehicle**

4. The proprietor shall ensure that a Private Hire Vehicle is one approved by the Council. No Austin FX4s, TX1s or vehicles of similar appearance shall be licensed as Private Hire Vehicles.

#### **Condition of vehicle**

5. The proprietor shall ensure that the Private Hire Vehicle shall be maintained in a sound mechanical and structural condition at all times and be capable of satisfying the Council's mechanical and structural inspection at any time during the continuance of the vehicle licence in respect of the vehicle.
6. The interior and exterior of the Private Hire Vehicle shall be kept in a clean condition and maintained in a safe condition by the proprietor to the satisfaction of the Council.
7. The proprietor shall not allow the mechanical and structural specification of the Private Hire Vehicle to be varied without the written consent of the Council.
8. The proprietor shall ensure there is a spare wheel and tools for changing.
9. The proprietor of the vehicle shall:
  - (a) provide sufficient means by which any person in the Private Hire Vehicle may communicate with the driver during the course of hiring
  - (b) cause the interior of the vehicle to be kept wind and water tight
  - (c) provide any necessary windows and means of opening and closing same with not less than one window on each side of the passenger compartment

- (d) cause the seats in the passenger compartment to be properly cushioned and covered
  - (e) cause the floor in the passenger compartment to be provided with a proper carpet, mat or other suitable covering
  - (f) cause fittings and furniture of the Private Hire Vehicle to be kept in a clean condition and well maintained and in every way fit and safe for public use
  - (g) provide facilities for the conveyance of luggage safely and protected from inclement weather
  - (h) provide at least two doors for use of persons conveyed in such Private Hire Vehicle and a separate means of ingress and egress for the driver.
10. The proprietor shall ensure that, if the vehicle is older than three years from the date of its first registration, they will ensure that the vehicle has two tests per year (i.e. one at time of plate renewal and a 'six month test' (i.e. one roughly half way between the issue and expiry dates).
  11. The proprietor shall ensure that any radio equipment fitted to his Private Hire Vehicle is at all times kept in a safe and sound condition and maintained in proper working order.

#### **Fire extinguisher/first aid kit**

12. The proprietor of the Taxi shall provide and maintain, to the satisfaction of the Authorised Officer of the Council, an efficient fire extinguisher, which shall be securely fixed to the vehicle and easily accessible at all times. The extinguisher shall be manufactured to British Standards and shall show the B.S number. A first aid kit of a type approved by the Council shall be carried in the vehicle at all times.

#### **Advertisements**

13. The proprietor shall not display, or suffer or permit to be displayed on or from a Private Hire Vehicle, any sign or notice which consists of or includes the word "Taxi" or "Cab," whether in the singular or plural or "For Hire," or any word or words of similar meaning or appearances to any of those words, whether alone or as part of another word.

#### **Council Notices**

14. The proprietor shall cause to be affixed and maintained, in a conspicuous position in accordance with the directions of the Council, any sign or notices required from time to time by the Council.

#### **Passengers**

15. The proprietor shall not permit the Private Hire Vehicle to be used to carry a greater number of passengers than the number prescribed in the licence. For this purpose two children under the age of ten shall be counted as one person, insofar as the rear seating only is concerned.
16. The licensee shall, at all times when a vehicle is hired, take all reasonable steps to ensure the safety of passengers conveyed therein, and persons entering and alighting from the vehicle.
17. The licensee shall not allow any child under the age of 10 years to be conveyed in the front of the vehicle without the prior written consent of an Authorised Officer of the Council.

## **Notifications**

18. The licensee shall notify Woking Borough Council, in writing, of any conviction or caution recorded against him/her by any Court within seven days of such conviction or caution being imposed.
19. The licensee shall, within 42 days of the date of an offence, notify the Council in writing of any Fixed Penalty or Points imposed upon him/her which results in an endorsement on his/her UK Driver Licence.
20. The licensee shall report, in writing, any accident involving a licenced vehicle to the Council within 72 hours (or when reasonably practicable).
21. The proprietor shall notify the Council, in writing, of any change in his/her address within seven days of such change taking place.

## **Cheques**

22. A licence in respect of which the licence fee has been paid by cheque shall not be effective until the cheque has been cleared.

## **Receipts**

23. The licensee shall, if requested by the hirer, provide him/her with a written receipt for the fare paid.

## **Fares**

24. The licensee shall not demand a fare in excess of that quoted to the hirer by the Operating Company, nor shall any extras be added on without the consent of the hirer.

## **Touting, etc.**

25. The proprietor shall not:
  - (a) tout or solicit on a road or other public place any person to hire or be carried for hire in any Private Hire Vehicle, or
  - (b) cause or procure any other person to tout or solicit on a road or other public place any person to hire or be carried for hire in any Private Hire Vehicle.

In this condition: "road" means "any highway and any other road to which the public has access including bridges over which a road passes".

26. The proprietor of a Private Hire Vehicle shall ensure that they only accept jobs given to them by their Licenced Operator – and not accept hiring in any other way.

## **Drivers**

27. The proprietor shall not cause, or procure or permit, any person who is not the holder of a current Private Hire driver licence issued by the Council to drive the Private Hire Vehicle.

## **Guide / Assistance Dogs**

28. The proprietor must carry any passenger accompanied by a guide/assistance dog.

## **Door signs on Private Hire Vehicles**

29. The proprietor will ensure that:
- (a) the sign shall be displayed on the front doors of the Private Hire Vehicle only
  - (b) the sign shall only give details of the name, address and telephone number of the Private Hire company from which the licensee obtains his clients
  - (c) the word 'Taxi' or 'cab', whether in the singular or the plural, should not form part of the sign
  - (d) the proprietor should be easily able to remove the sign should the vehicle's licence be suspended, revoked or not renewed, and he shall be responsible for its removal
  - (e) the proprietor shall submit, for the approval of the Council, the proposals for the sign prior to its display
  - (f) the signs will remain on the vehicle at all times that the vehicle is licenced and should not be removed, even when the proprietor is not working.
  - (g) these signs will be compulsory from 1 January 1994

## **Licences**

30. The proprietor shall deposit the vehicle licence issued by the Council with the Private Hire Operator for whom the vehicle is being used during the time it is so used for that Operator.

## **Smoking**

31. It is against the law for anyone (driver or passenger) to smoke in a Hackney or Private Hire Vehicle. It is the drivers responsibility to make sure that this law is complied with at all times (whether working or not).
32. The proprietor must ensure that any vehicle they use displays "No Smoking" signs.

## **Transfers**

33. Where a vehicle or licence is transferred to another owner, it is the licence holder's responsibility to notify the Licensing Authority as soon as practicable.

## **Additional Notes**

The Council endeavours to send postal reminders for renewals, but the responsibility to book appointments (especially the six month test) and attend before a licence expires or a test is due, is ultimately that of the owner and/or driver. A vehicle requiring a test every 6 months will have its plate suspended immediately if the due date is exceeded.

From 20th of January 2022 all new and renewal vehicles must be Euro Emissions Standard VI (six).

At the time of printing, NCAP ratings had a maximum of 5 (five). Should a rating of 6 (six) be introduced before the above date, this too will be adopted at the same time as Euro Emissions Standard VI (six).

Euro Emission Standard V (five) / NCAP Rated 5 Vehicles will only be renewed up to and including the 20th of January 2022.

## APPENDIX L

### Requirements for Dispensation Discs

**This guidance is will be in force with effect from the 1<sup>st</sup> of April 2017**

1. Dispensation from displaying the plates can only be applied for by the holder of a Private Hire Operators Licence for a vehicle that currently carries out work on behalf of that Operator.
2. Exemptions from displaying external identification plates (vehicle licence plates) may be in respect of individual vehicles only. Applications for exemptions relating to a fleet of vehicles will not be allowed.
3. Each application will be assessed on its own merit and each vehicle may be inspected by an authorised council officer to ensure that it is fit for purpose.
4. Applications for exemption from the requirement to display an external identification plate will only be considered where at least 90% of the work undertaken are hiring's where the driver and vehicle are specifically hired to provide transport to a company or person by corporate or account holders only and where the safety of the public is not compromised. The operator will be required to satisfy the licensing officer prior to licensing that the use of the vehicle is by corporate and account holders and must be able to provide evidence to enable the licensing officer to determine the genuine requirement for plate exemption. This will typically be by reference to the three most recent months of operator's records showing the account and corporate work carried out. At least 90% of this work must be Account work, i.e. it must be contracted work, not cash jobs or school runs. Details of what the Operator's records should contain are included as a Condition on the Operators Licence.
5. The vehicle will benefit executive status (i.e. a high range or top end of the market vehicles). Vehicles must be in pristine condition with no visible defects, dents or blemishes to the external bodywork, wheels or internal trim and seating. They must comply with the current Woking Borough Council conditions relating to private hire vehicles.
6. The Council will require as evidence a recent letter, from a company, or companies, who wish to use that particular vehicle. Necessary information within the letter includes:
  - i. Why exemption from display is necessary
  - ii. The frequency of intended use
  - iii. Details of the vehicle(s) that relate to the application

The company, or companies, may be contacted to confirm these details as reasonably necessary to allow the Council to make an informed decision. A decision will then be made as to whether the dispensation is granted. Where such documentation is not provided to the satisfaction of the Council the application will be refused. The Council will maintain commercial confidentiality.

7. Only Operators who have a good compliance record, including a good complaints record of their drivers, will be considered.
8. It is both the Operator and the holder of the Dispensation Discs duty to notify the Licensing Authority if the holder of the Dispensation Disc ceases to work for the Operator, or carries out work for other operators.
9. The proprietor shall not use the vehicle for more than 10% of their work where the work is for private hire purposes other than for contract use (i.e. for routine airport journeys, school runs or daily private hire use).
10. The exemption will cease to have effect on selling or transferring the vehicle to another party. The person to whom the exemption is granted must inform the Council of the sale/transfer of ownership immediately and in writing and provide details of the new owner. The dispensation discs must be removed and returned to the Council within 48 hours of sale or transfer.

## Appendix M

### Woking Borough Council's Hackney Carriage Vehicle Specification for DDA/Wheelchair Accessible Vehicles

(Adopted by Licensing Committee 16th October 2012)

(Applicable from 17th October 2012 until further notice)

The following applies to all vehicles presented and applying for **new** Woking Borough Council Hackney Carriage Vehicle licenses after the stated date.

It also applies to all vehicles presented as replacements for currently (or future) licensed, DDA / Wheelchair accessible Woking Borough Council Hackney Carriage Vehicle licenses.

This specification applies to all new and replacement vehicles as stated above, superseding any circumstance or reason under which, or when, the new / original renewal / replacement licence was issued. For example, but not exclusive to licenses issued pre and post derestriction, via ballot, through appeal, demonstrating a need, area / event restricted, or other.

This specification will also apply to any Hackney Carriage licence originally issued to a vehicle of the type saloon, MPV, estate or similar, that is due to become DDA / wheelchair compliant after 31.03.2020.

#### DDA/Wheelchair Accessible Vehicle Specification for Hackney Carriages

- i. Where the vehicle presented is for the issue of a **new** Hackney Carriage licence, in addition to the specification below, the vehicle must also be brand new.
- ii. Where the vehicle presented is for the issue of a replacement / renewal Hackney Carriage licence, in addition to the specification below, the vehicle must also meet Woking Borough Council's terms and conditions on age of replacement vehicle (separate policy).

#### All the following then apply and must be true:

- i. Vehicles must be purpose built (\*H); have full "Taxi" specification; and have wheelchair access via ramp, lift or other. Steps or running boards should be fitted where necessary.
- ii. There is no restriction on colour of bodywork but the vehicle should be free from external advertising, unless Council approved, excluding Woking Borough Council identification or logos, Woking Borough Council Licensed Operator details and taxi livery.
- iii. Without a wheelchair passenger, the vehicle must be able to accommodate a minimum of 5 seated passengers occupying their own seats, having their own seat belts, and have luggage / boot space remaining that is not in or part of any passenger compartment, occupied or not.

(NB: Provided this minimum specification is achieved it is acceptable that additional luggage / capacity can be stored / accommodated in passenger compartments, or that passengers may choose to carry luggage in the compartment).

- iv. With a wheelchair passenger, the vehicle must be able to accommodate 3 seated passengers occupying their own seats, having their own seat belts, plus 1 wheelchair and user with correct safety restraints in place, and have luggage / boot space remaining that is not in or part of any passenger compartment, occupied or not.

(NB: Provided this minimum specification is achieved additional luggage as per **iii** above is acceptable).

- v. Both **iii** and **iv** must be true for a vehicle to be acceptable. Luggage / boot space is defined as at least 0.7m<sup>3</sup> available, or equivalent to accommodating 2 pieces of luggage approximately 60cm x 45cm x 25cm (i.e. 2 pieces of cabin approved hand luggage).
- vi. A wheelchair and user should be able to access and exit the vehicle via at least one door using a ramp, lift or other. There must then be at least one additional door / means of exit available, in an emergency, through which the wheelchair user can be evacuated. Exit through this door must not involve the removal of seats/fittings or the wheelchair user being lifted over additional seats/fittings.
- vii. Removable, sliding or folding seats (excluding flip-down style) will not generally be allowed especially where they make the seating capacity of the vehicle ambiguous; they reduce luggage capacity; or access, whilst stored, would require a wheelchair user to wait whilst seats were removed and stored or where condition **vi** is affected or not met.
- viii. (\*) Woking Borough Council believes its specification makes available a wide range of vehicles for owners and users alike. However, it also accepts that certain one-off adapted vehicles can also meet these needs, provided they are converted to a high standard and gain any necessary certification. Drivers who wish to present such a vehicle do so entirely at their own risk as each one will only be validated and accepted for testing after a visual inspection, along with a V5 and certificate check by a Licensing Officer.

**Woking Borough Council previously accepting a similar vehicle is not a guarantee that a vehicle presented will also be accepted because, by definition, these vehicles are individually produced and therefore will be individually assessed.**

Vehicles must still meet requirements **ii, iii, iv, v, vi, vii** and **ix**. Specification **i** must be met in terms of the vehicle being equipped to Hackney Carriage / Taxi standards (i.e. including, but not necessarily exclusive to, WBC branded taxi top box or integrated, taxi meter etc).

- ix. Once licensed, a vehicle must at all times remain compliant with all of the conditions **i - ix** under which it was first licensed or renewed, regardless of the nature of work it is carrying out. For example, seats may not be added to the vehicle in lieu of a wheelchair passenger should the vehicle be hired privately, work for a Private Hire Operator, or be carrying out other duties.

- x. Failure to declare something that may exclude a vehicle from being licensed, or presenting a vehicle to be licensed that does not meet any part of this specification, will result in a refusal or a licence being immediately suspended pending revocation. Such actions may also jeopardise the owners Woking Borough Council issued drivers licence.
- xi. Issuing of a licence to a vehicle will automatically bind the owner, subsequent owner, hirer or user of said vehicle to these specifications and terms, in addition to any other terms and conditions of licence already in operation.
- xii. All specifications are subject to change, and potential drivers / owners should always check they have an up to date version of Woking Borough Council's requirements before buying or reserving a vehicle.

**Additional notes:**

Drivers investing in a brand new vehicle direct from a supplier may wish to consider any additional features or options available when ordering. Full taxi specification will provide a vehicle that is a very high standard and has excellent features, but optional extras added at the time of purchase mean their cost can be spread and adding at a later date is often more expensive while taking the vehicle off the road. Examples include adaptations to allow forward facing wheelchairs; safety features for driver; intercoms; powered steps; and ramp upgrades etc. **These examples are not an exhaustive list and are not compulsory or part of the minimum specification but for drivers/owners to consider.**

## Appendix N

### **Woking Borough Council's Terms and Conditions for Replacing DDA / Wheelchair Accessible Vehicles (Hackney Carriage and Private Hire)**

(Adopted by Licensing Committee 15th January 2013)

(Applicable from 1st February 2013 until further notice)

The following applies to all DDA/Wheelchair accessible vehicles presented and applying for a Woking Borough Council Hackney Carriage / Private Hire Vehicle license after the stated date. It also applies to all vehicles presented for renewal or as replacements for current (or future) licensed DDA / Wheelchair accessible vehicle licenses and to any Hackney Carriage licence, originally issued to a saloon, MPV, estate or similar type vehicle, that is due to become DDA/wheelchair compliant after 31.03.2020.

If applying for a new Hackney Carriage licence, additional terms and conditions must first be met. These terms and conditions will apply to all vehicles as stated above, superseding any circumstance under which or when the new/original renewal/replacement licence was issued; for example, but not exclusive to, licenses issued pre and post derestriction, via ballot, appeal, demonstrating a need, area / event restricted or other.

Owners, subsequent owners, hirers or users of these vehicles are automatically bound to these terms in addition to any other terms and conditions of licence already in operation:

- i. Woking Borough Council's general policy on licensing of all types of vehicle, above the minimum legislative requirement to protect the travelling public, is to constantly improve emission and safety standards. In most cases this is governed through the Council's policies on Euro Engine Emission Standards and EuroNCAP Crash Rating system.
- ii. However, certain vehicles fall outside these criteria, especially wheelchair accessible and adapted vehicles as they are not routinely crash tested. This does not mean they do not meet high safety standards and are not tested in their own way but it makes like-for-like comparison against saloon-type vehicles difficult.
- iii. Also Woking Borough Council's policy of requiring a brand new DDA / wheelchair accessible vehicle to be presented if a new Hackney Carriage licence is to be issued, could seriously disadvantage and financially burden some owners. If these owners were required to change their (new) vehicle as the Emissions and NCAP standards move to the next level, they could find themselves owning a vehicle for a matter of months which was never the intention of the emissions policy.
- iv. Similarly, many of the Private Hire wheelchair accessible vehicles are based on van / minibus chassis and again are not sent to NCAP, though again must meet normal VOSA and vehicle inspection requirements. Engines meet Euro engine standards in a similar manner to the remaining fleet as they will improve at a manufacturing level.
- v. As new Hackney Carriages represent a significant investment on the part of drivers, and wheelchair accessible Private Hire Vehicles are (generally) of the minibus type are similarly expensive, Woking Borough Council has taken the decision to set a time limit on their use to ensure that;

- a. The fleet is renewing over time to take advantage of advances in safety and emissions standards at the manufacturing level;
  - b. The number of years these vehicles can be licensed for is reflective of the investment.
- vi. Therefore, Woking Borough Council has introduced a maximum age of use for such vehicles, and any similar vehicle falling outside the Euro engine / NCAP criteria. This age limit has been set at a maximum of 12 years from their (the vehicle presented) date of first registration (**d.o.f.r**). For example, a vehicle whose d.o.f.r is 01.02.2013 would be licensed up to, and including, 31.01.2025. This would be the expiry date shown on the final licence issued.
 

(**NB:** If a vehicle is listed as imported, the 12 years will be taken as being from 31.03 in the year in which the vehicle was manufactured, not the date it was registered in the UK).
- vii. Once a vehicles 12 year limit has been reached, Woking Borough Council does not expect a brand new vehicle to be presented once more (though owners have that choice), especially as the remainder of the trade to whom the Euro Emissions and EuroNCAP conditions apply can purchase second hand vehicles if they so wish.
- viii. Current owners of DDA / wheelchair compliant Hackney Carriages / Private Hire Vehicles, can replace their (licensed) vehicle between years 0 to 8 of the vehicles age, with a vehicle meeting the required specification (individual inspection for PHV's) that is of the same age or newer. For example, a vehicle with a date of first registration of 01.02.2013 could be replaced with another vehicle meeting the required specification up to and including 31.01.2021; the replacement vehicles d.o.f.r must also be 01.02.2013 or newer, and could then be licensed up to the 12th anniversary of this date (not necessarily 12 years of usage (this will depend on d.o.f.r)).
- ix. Current owners of DDA / wheelchair compliant Hackney Carriages / Private Hire Vehicles, can replace their (licensed) vehicle between years 8 to 12 of the vehicles age with a vehicle meeting the required specification (individual inspection for PHV's) that is no more than 4 years old or newer. For example, a vehicle with a d.o.f.r of 01.02.2013 could be replaced with another vehicle meeting the required specification after 01.02.2021, and the replacement vehicles d.o.f.r would have to be between 01.02.2017 and 31.01.2021. It could then be licensed up to its 12th anniversary of d.o.f.r (not necessarily 12 years of usage; this will depend on d.o.f.r), or replaced in-line with conditions **viii** and **ix** detailed above.
- x. Saloon car Hackney Carriage drivers, as Government legislation and Council policy currently stand, must become DDA / wheelchair compliant by 31.03.2020. Whilst Woking Borough Council and Licensing accept that what is "accessible" for one customer may not be accessible for all, we are currently bound by this legislation and therefore can only plan on the information we have at this time.
- xi. Woking Borough Council will therefore allow Hackney Carriage licences, originally issued to saloon-type vehicles (not temporary transfers or similar), to replace this vehicle / licence with a DDA / wheelchair compliant vehicle meeting the required specification that is no more than 4 years old (or newer) as per **ix**, and then the replacement rules as stated will apply.

- xii.** Should Government rules and / or legislation on the provision of DDA / wheelchair accessible vehicles and saloon vehicles change in the future this may be reassessed, but it is extremely unlikely DDA vehicles will be allowed to become saloon or similar vehicles. It is more likely Government will allow some adapted saloon vehicles to remain in a Borough's fleet, and this will apply in the first instance to current saloon vehicles, but this still remains supposition at the time this policy is adopted.
- xiii.** In all cases where Euro Engine and NCAP data exists, this will take precedent over the vehicle age whilst these requirements form part of licensing policy. Where a vehicle and owner wish to utilise the maximum age of use exemption, the vehicle must also have met the terms and conditions on new / replacement vehicles, as detailed above, when first presented.
- xiv.** All specifications are subject to change and potential drivers / owners should always check they have an up to date version of Woking Borough Council's requirements before buying or reserving a vehicle.

## Appendix O

### The Use of CCTV in Licenced Vehicles

Should you wish to fit Audio and Visual Recording Equipment in your licensed vehicle, such a decision will be of your own choice. Woking Borough Council has no mandatory scheme in relation to such equipment. If you do fit such a system to your vehicle, please notify the Licensing Authority (either in writing or by email to [licensing@woking.gov.uk](mailto:licensing@woking.gov.uk)) in order that we can update our records. The information provided below is simply to assist you should you consider fitting any system to your vehicle.

1. Should you wish to fit such equipment, you should ensure that any system fitted to your vehicle complies with the Information Commissioners Office "CCTV Code of Practice", which states that:

CCTV must not be used to record conversations between members of the public as this is highly intrusive and unlikely to be justified. You should choose a system without this facility if possible. If your system comes equipped with a sound recording facility then you should turn this off or disable it in some other way. There are limited circumstances in which audio recording may be justified, subject to sufficient safeguards. These could include:

- i. Audio based alert systems (such as those triggered by changes in noise patterns such as sudden shouting). Conversations must not be recorded, and operators should not listen in.
  - ii. Two-way audio feeds from 'help points' covered by CCTV cameras, where these are activated by the person requiring assistance.
  - iii. Conversations between staff and particular individuals where a reliable record is needed of what was said, such as in the charging area of a police custody suite.
  - iv. Where recording is triggered due to a specific threat, e.g. a 'panic button' in a taxi cab.
2. In the limited circumstances where audio recording is justified, signs must make it very clear that audio recording is being or may be carried out.
3. Transport for London has adopted the ICO's advice in relation to audio recording in its Guidelines for CCTV Systems in Licensed London Taxis and Private Hire Vehicles, and we recommend that should you wish to fit such a system with audio recording enabled, that you follow the Transport for London model which states that:
  - a. Where recording is triggered due to a specific threat, e.g. a 'panic button' is utilised. Where this audio recording facility is utilised a reset function must be installed which automatically disables audio recording and returns the system to normal default operation after a specified time period has elapsed.
  - b. The time period that audio recording may be active should be the minimum possible and should be declared at the time of submission for approval of the equipment.

## **Notification to the Information Commissioner's Office**

The Information Commissioner's Office (ICO) is the official regulator for all matters relating to the use of personal data.

The ICO defines a "data controller" as the body which has legal responsibility under the Data Protection Act (DPA) 1998 for all matters concerning the use of personal data. For the purpose of the installation and operation of in-vehicle CCTV, the "data controller" is the specified company, organisation or individual which has decided to have CCTV installed. The data controller has the final decision on how the images are stored and used and determines in what circumstances the images should be disclosed.

Notification is the process by which a data controller informs the ICO of certain details about their processing of personal information. These details are used to make an entry in the public register of data controllers.

This means that any specified company, organisation or individual vehicle owner who has a CCTV system installed in a TPH licensed vehicle must register with the ICO (Notification) and obtain documented evidence of that registration. This documentary evidence may be required to be presented to an official of the TPH at any time during the term of the TPH vehicle licence.

The Notification requires renewal on an annual basis, and payment of the appropriate fee.

### **Using A Third Party Service Provider (Data Processor)**

Where a service provider is used for the remote storage of CCTV data they will act as a 'data processor'. A data processor, in relation to personal data, means any person (other than an employee of the data controller) who processes data on behalf of the data controller, in response to specific instructions. The data controller retains full responsibility for the actions of the data processor.

### **Signage For Internal Audio and Visual Recording Equipment**

All Taxis and Private Hire Vehicles fitted with Audio and Visual Recording Equipment must display signage informing passengers that the vehicle is equipped with such a system. The driver may also wish to verbally bring to the attention of the passengers that such equipment is in operation within the vehicle, if it is felt appropriate.

The signage must be displayed in such positions so as to minimise obstruction of vision and to make it as visible as possible to passengers, before and after entering the vehicle. In the limited circumstance where audio recording is justified, signs must make it very clear that audio recording is being or may be carried out. The name and the contact telephone number of the Data Controller must be included on the sign.

### **Signage for External Facing Audio and Visual Recording Systems**

Where a system is installed in order to record incidents outside the vehicle, it will not be practical to display a sign. Instead, when the system is activated in response to an incident, the driver of the vehicle must inform the person(s) recorded that their personal data was captured - as soon as practicable after the incident. They should also be informed the purpose for which the device has been installed, for example to facilitate their insurance company's investigation of insurance claims.



LICENSING COMMITTEE - 10 OCTOBER 2017

## SURREY-WIDE CONVICTIONS POLICY

### Executive Summary

This report details proposed changes to the Taxi and Private Hire Vehicle (PHV) Licensing Criminal Convictions Policy to help prevent the sexual exploitation of children by introducing consistent standards across Surrey.

Since the introduction of the Taxi and PHV Licensing Criminal Convictions Policy in June 2016, the Surrey Safeguarding Children Board (SSCB) and its partners including all 11 Surrey Local Authorities have agreed a Child Sexual Exploitation Strategy and action plan which proposes introducing further changes to protect vulnerable children across the county.

The key changes are:

- Adopting a consistent taxi and private hire convictions policy across Surrey
- Mandatory CSE training for all taxi and private hire drivers in Surrey

The report seeks approval to consult on the proposed changes. The Policy is attached as Appendix 1.

### Reasons for Decision:

To obtain views on intended changes to the Taxi and PHV Licensing Criminal Convictions Policy and consider those opinions when proposing changes to the policy.

### Recommendations

The Committee is requested to:

#### **RESOLVE That**

- (i) the Licensing Committee approves the draft changes to the Taxi and PHV Licensing Criminal Convictions Policy for public consultation over a 6 week period; and
- (ii) the Licensing Committee approves the implementation of mandatory CSE training for all taxi and private hire drivers in Surrey.

**The Committee has authority to determine the above recommendations.**

### Background Papers:

Taxi and PHV Licensing Criminal Convictions Policy

<https://www.woking.gov.uk/planning/licensing/taxi/convictions/guidelines>

Report of Professor Jay into Child Sexual Exploitation in Rotherham (September 2014)

[http://www.rotherham.gov.uk/downloads/file/1407/independent\\_inquiry\\_cse\\_in\\_rotherham](http://www.rotherham.gov.uk/downloads/file/1407/independent_inquiry_cse_in_rotherham)

Casey report into Rotherham Metropolitan Borough Council (February 2015)

<https://www.gov.uk/government/publications/report-of-inspection-of-rotherham-metropolitan-borough-council>

Surrey Safeguarding Children Board, Child Sexual Exploitation Strategy 2016-17

<http://www.surreyscb.org.uk/wp-content/uploads/2016/05/SSCB-CSE-Strategy-2016-17.pdf>

Surrey Safeguarding Children Board, Child Sexual Exploitation Action Plan 2016-17

<http://www.surreyscb.org.uk/wp-content/uploads/2016/12/Updated-joint-Surrey-CSE-Plan-Dec-2016-v.4.0.pdf>

**Reporting Person:**

Joanne McIntosh, Legal Services Manager  
Ext. 3038, E Mail: Joanne.Mcintosh@woking.gov.uk

**Contact Person:**

Joanne McIntosh, Legal Services Manager  
Ext. 3038, E Mail: Joanne.Mcintosh@woking.gov.uk

**Date Published:**

2 October 2017

### 1.0 Introduction

- 1.1 The report informs the Committee on the background to the proposed amendments to the Taxi and PHV Licensing Criminal Convictions Policy.
- 1.2 It asks the Committee to approve a public consultation on the proposed changes to the policy.

### 2.0 Background

- 2.1 The current Taxi and PHV Licensing Criminal Convictions Policy adopted on the 14 July 2016 introduced positive changes to protect public safety.
- 2.2 Since the introduction of the policy, Surrey Safeguarding Children Board (SSCB) and its partners including all 11 Surrey Local Authorities have agreed a Child Sexual Exploitation Strategy and action plan, which aims to develop a co-ordinated response to child sexual exploitation (CSE) across the County. Licensing targets include taxi and private hire licensing, premises licensed under the Licensing Act 2003, participation in Operation Make safe and information sharing.
- 2.3 Achieving the targets, helps enable Surrey Local Authorities to fulfil their statutory responsibilities defined in Section 11 of the Children's Act 2004 to safeguard children and to promote welfare effectively. Delivery of the strategy supports the SSCB's statutory duties to co-ordinate activities to safeguard and promote the welfare of children in Surrey, as well as ensuring the effectiveness of what is being done by partners.
- 2.4 Two actions identified within the CSE action plan and related to taxi and private hire are:
  - Adopting a consistent taxi and private hire convictions policy across Surrey
  - Mandatory CSE training for all taxi and private hire drivers in Surrey
- 2.5 The two changes will raise the standards of public safety across Surrey and build on the positive steps already taken to protect the most vulnerable in our communities.

### 3.0 Convictions Policy

- 3.1 Following recent cases of licensed drivers and operators across the country involved in sexual exploitation of children, it is important that Local Authorities take appropriate steps to prevent future cases by ensuring that licensed drivers are 'fit and proper'. Consideration of a person's criminal convictions and other relevant character or behaviour information is a key part of the 'fit and proper' assessment.
- 3.2 Local Authorities across Surrey are seeking to standardise the information taken into account when determining if someone is 'fit and proper' by adopting the same convictions policy. Whilst there are significant similarities in the majority of the conviction policies, there are some differences, and these could result in applicants being revoked or refused then being granted a licence in another Surrey Local Authority with different standards. The differences mainly relate to the number of years an offence is considered relevant.
- 3.3 As only 'fit and proper' persons must conduct these responsible duties, the convictions policy proposes to add that people banned from working with children or vulnerable adults will not normally be granted a licence.

- 3.4 Currently, those banned from working with children and vulnerable person would not be permitted to drive under a Surrey County Council contract but could potentially be granted a licence by a Surrey District or Borough Council. This is an unacceptable risk, as taxis and private hire vehicles are likely to transport children at times other than to school plus elderly and disabled users often rely on taxis and private hire vehicles to access local services.
- 3.5 The sample Convictions Policy produced by the Local Government Association has been referred to in the production of this policy.
- 3.6 When applying the convictions policy, all Licensing Authorities are mindful that each case must be considered on its merits and where the circumstances demand, the Council may depart from its policy.

### **4.0 Mandatory CSE and Safeguarding Training**

- 4.1 Surrey Local Authorities want to take appropriate steps to protect the most vulnerable in our society by introducing mandatory CSE and safeguarding training for taxi and private hire drivers. Following the recent examples of the sexual exploitation of children in our communities, a number of Local Authorities have already introduced this requirement.
- 4.2 The training would include how to spot signs of child sexual exploitation and how to report concerns of children or vulnerable persons at risk using agreed Surrey processes. There will be a multiple-choice assessment to ensure understanding of the subject matter.
- 4.3 If adopted, it is proposed that all new drivers would be required to pass the CSE training in advance of first being licenced and all existing drivers to pass within one year of adopting the requirement.

### **5.0 Consultation Hosting**

- 5.1 Reigate and Banstead Borough Council will host the six week web based consultation on behalf of all 11 Surrey Local Authorities. The results will be reported separately for each Local Authority and in total.

### **6.0 Consultations**

- 6.1 Surrey Safeguarding Children Board has been involved throughout and endorse these proposals.
- 6.2 The Surrey Licensing Officers Group and Surrey Solicitors Group have both been consulted on the proposed convictions policy and training package.
- 6.3 The Surrey Chief Executives Group are in support work of the proposed changes and have made resources available and a financial contribution to help ensure that the project is delivered in a timely manner.

### **7.0 Implications**

#### Financial

- 7.1 There are no financial implications of conducting the public consultation as another Local Authority is hosting the web-based consultation for all Surrey Local Authorities.

### Human Resource / Training and Development

- 7.2 There are no human resource implications arising from these proposals.

### Community Safety

- 7.3 The introduction of a Surrey wide policy and mandatory training will increase the safety of the community.

### Risk Management

- 7.4 There are no risk management implications in consulting on the proposed changes to the policy.

### Sustainability

- 7.5 There are no sustainability implications in consulting on the proposed changes to the policy.

### Equalities

- 7.6 There are no equality and diversity implications in consulting on the proposed changes to the policy.

### Legal

- 7.7 The basis for the changes within the policy is to ensure that the Council fulfils its statutory safeguarding obligations to prevent the exploitation of children and vulnerable persons more effectively.
- 7.8 There is no statutory requirement to have a Taxi and PHV Licensing Criminal Convictions Policy; however, it is good practice to do so. A policy assists with consistent decision-making; however each case must be considered on its own merits with the decision maker being prepared to make exceptions to the policy in appropriate circumstances.
- 7.9 In relation to taxi and private hire licensing, there are specific powers contained in the Town Police Clauses Act 1847, Transport Act 1985 and Local Government (Miscellaneous Provisions) Act 1976. These allow the Council to specify the requirements that vehicles and drivers must meet in order to be licensed, and to refuse a licence to drivers if we are not satisfied that the drivers are fit and proper persons to hold a licence. They also allow conditions to be attached to licences (with the exception of hackney carriage driver's licences).

## **8.0 Summary of Options**

- 8.1 There are two options available after considering the information in this report:
1. Approve a 6-week consultation on the proposed changes to the taxi and private hire policy.
  2. Approve a modified recommendation.
- 8.2 Officers consider that recommendation 1 is appropriate, as it will ensure we conduct a suitable consultation for consideration in advance of proposing changes to the Taxi and PHV Licensing Criminal Convictions Policy.

8.3 Licensing Committee will receive a report on the findings of the consultation.

**9.0 Conclusions**

9.1 Approving consultation on the changes to the Taxi and PHV Licensing Criminal Convictions Policy and the introduction of mandatory training will help ensure a co-ordinated and consistent response across to prevent the sexual exploitation of children in Surrey.

**Hackney Carriage & Private Hire Licensing**

**Policy regarding the relevance of convictions and other related information**

## Contents

<b>Section</b>		<b>Page</b>
1	Introduction	3
2	General Policy	5
3	Powers	5
4	Consideration of disclosed criminal history	6
5	Options when determining an application/licence	7
6	Offences involving violence	7
7	Offences involving a weapon	8
8	Sexual and indecency offences	8
9	Dishonesty	9
10	Alcohol and Drugs	10
11	Driving offences involving the loss of life	10
12	Other traffic offences	11
13	Outstanding Charges or Summonses	11
14	People banned from working with children or vulnerable adults	12
15	Non-conviction information	12
16	Licensing Offences	12
17	Insurance Offences	12
18	Applicants with periods of residency outside the UK	13
19	Summary	13

## 1. Introduction

- 1.1 This policy sets out the criteria to be taken into account by the Council when determining whether or not an applicant or an existing licence holder is a fit and proper person to be granted, have renewed or continue to hold a Hackney Carriage and/or Private Hire Driver Licence. In addition to criminal convictions the Council will also take into account other factors such as demeanour, attitude, general character, non-criminal behaviour and other police information etc.
- 1.2 Whilst this policy primarily applies to the determination of driver licences, however, where a conviction (as defined below) is considered relevant to the fitness and propriety/suitability of an individual to hold or be granted a Private Hire Operator Licence or vehicle licence, then this policy must be referred to in the determination of that licence/application.
- 1.3 The Council is mindful that each case must be considered on its merits and where the circumstances demand, the Council may depart from this policy.
- 1.4 This policy provides guidance to any person with an interest in taxi and private hire licensing. In particular, but not exclusively:
  - Applicants for a driver's, vehicle or private hire operator licence
  - Existing licensees whose licences are being reviewed or renewed
  - Licensing officers
  - Members of the licensing committee/sub-committee
  - Magistrates and Judges hearing appeals against local authority decisions
- 1.5 For renewal applications and current licence holders the guidance will not be applied retrospectively. However the policy will be applied if any additional convictions are incurred or brought to the attention of the Council that would call into question a person's suitability to hold a licence.
- 1.6 It is the responsibility of Woking Borough Council (referred to as the Council) to issue Hackney Carriage and Private Hire licences under the Local Government (Miscellaneous Provisions) Act 1976, the Town Police Clauses Act 1847 and the Hackney Carriage Byelaws. In exercising this duty the Council must consider the need to ensure the safety of the public its' primary consideration. Licences cannot be issued unless the person is considered to be 'fit and proper'.
- 1.7 In seeking to safeguard the safety of the public. The council will be concerned to ensure:
  - That a person is a fit and proper person in accordance with Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II)
  - That the person does not pose a threat to the public

- That the public are safeguarded from dishonest persons
- The safety of children, young persons and vulnerable adults

1.8 There is no judicially approved test of fitness and propriety and, accordingly, a number of local tests have developed. These tend to be based on a test similar to the following:

‘Would you (as a member of the licensing committee or other person charged with the ability to grant a hackney carriage driver’s licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get in to a vehicle with this person alone?’

If the answer to this question (or a similar test) is an unqualified ‘Yes’ then the test is probably satisfied. If there are any doubts in the minds of those who make the decision, then further consideration should be given as to whether this person is a fit and proper person to hold a hackney carriage driver’s licence.

1.9 The Council will undertake whatever checks it considers necessary to ensure that licences are not issued to unsuitable people. In assessing the suitability of an applicant or licence holder, the council will take into consideration the following factors:

- Criminality
- Number of endorsed DVSA driving licence penalty points
- The conduct of the applicant in making the application (e.g. whether they have acted with integrity during the application process).
- The previous licensing history of existing / former licence holders.

In addition, the Council will also consider further information from sources such as, but not limited to, the Police (including abduction notices), Children and Adult Safeguarding Boards, Multi Agency Safeguarding Hub, Social Services other licensing authorities, other departments within the Council, and statutory agencies.

1.10 In this policy, the word “applicant” refers to either new applicants, existing licence holders who are seeking renewal and existing licence holders that are the subject of periodic auditing or having their licence reviewed by the council as part of the policy implementation process. It also includes existing licence holders who are being considered by the Council by virtue of offending activity having recently come to light.

1.11 In this policy, the word “conviction” is to be defined as including convictions, cautions, warnings, reprimands and other relevant information.

1.12 The Council reserves the right to overturn or annul a decision that has previously been made, or refuse a renewal of a licence, where clear errors are discovered.

1.13 As licensed drivers often carry unaccompanied and vulnerable passengers, the council will take a strong line in relation to applicants or existing licence holders with convictions for

sexual offences. A licensed PHV or taxi driver is expected to be trustworthy. In the course of their working duties drivers will deal with cash transactions and valuable property may be left in their vehicles. Drivers may well deal with customers who are vulnerable or intoxicated and potentially easily confused. Taking drugs and driving poses an obvious risk to public safety, whilst applicants who have convictions for the supply of drugs should also be treated with considerable concern, The nature and quantity of the drugs, whether for personal use or supply are issues which will be considered carefully. As licensees are professional vocational drivers, a serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or drugs. More than one conviction for these offences raises significant doubts as to the applicant's fitness to drive the public.

## **2 General Policy**

- 2.1 Whilst the Council may consider that a person with a conviction for a serious offence may not need to be automatically barred from obtaining a licence, it is however to be normally expected that the applicant would be required to:
- a. Remain free of conviction for an appropriate period as detailed below; and
  - b. Show adequate evidence that they are a fit and proper person to hold a licence (the onus will be on the applicant to produce such evidence). Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.
- 2.2 The standards and criteria set out in paragraphs 4 to 18 below are those that would normally be applied to applications and licences. The Council may depart from these criteria, however it must only do so in exceptional circumstances. The otherwise good character and driving record of the applicant or licence holder will not ordinarily be considered as exceptional circumstances.

## **3 Powers**

- 3.1 Section 61 of the Local Government Miscellaneous Provisions Act 1976 allow the council to suspend, revoke or refuse to renew a licence if the application/licence holder has been convicted of an offence involving dishonesty, indecency, violence, of failure to comply with the provisions of the Town Police Clauses Act 1847 or of failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976, or if he/she has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty, or for any other reasonable cause.
- 3.2 The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, allows the council to take into account all convictions recorded against an applicant or the holder of a Private Hire or Hackney Carriage driver's licence, whether spent or not. Therefore the council will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending. Applicants need to be aware that, in

accordance with this Act, all convictions, cautions, warnings and reprimands must be declared.

#### **4 Consideration of disclosed criminal history**

- 4.1 Under the provisions of Sections 51, 55 and 59, Local Government (Miscellaneous Provisions) Act 1976, the council is required to ensure that an applicant for the grant or renewal of a Hackney Carriage and/or a Private Hire Vehicle driver's licence is a "fit and proper" person to hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the council will look at:
- How relevant the offence(s) are to the licence being applied for
  - How serious the offence(s) were
  - When the offence(s) were committed
  - The date of the conviction, warning, caution etc.
  - Circumstances of the individual concerned
  - Any sentence imposed by the court
  - The applicant's age at the time of offence / incident leading to the conviction, warning, caution etc.
  - Whether they form part of a pattern of offending
  - The applicant's attitude
  - Any other character check considered reasonable (e.g. personal references if requested by the Council)
  - Any other factors that might be relevant, for example:
    - The previous conduct of an existing or former licence holder,
    - Whether the applicant has intentionally misled the council or lied as part of the application process,
    - Information provided by other agencies/council departments.
- 4.2 In this policy 'from date sentence has ended' is taken to be the date which is reached once the whole of the period as sentenced by the court has elapsed and not necessarily the length of time served by the applicant. For example, if a sentence is five years imprisonment then the date that the sentence ends will be five years from the date of sentencing – regardless of the amount of time actually served by the applicant. If the sentence is amended by a court at a later date then this new sentence becomes relevant for the purposes of this policy. The term 'since completion of sentence' is to be construed in a similar way.
- 4.3 Existing holders of driver's licences are required to notify the council in writing within five working days of receiving a driving licence endorsement, fixed penalty notice, warning, reprimand, police caution, criminal conviction or other criminal proceedings (including their acquittal as part of a criminal case). In addition, licence holders must inform the council within 3 working days of their arrest for any matter (whether subsequently charged or not). To fail to do so, will raise serious questions for the Council as to the honesty of the licence holder and will be taken into account as part of any subsequent renewal applications.

- 4.4 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence (s57 Local Government (Miscellaneous Provisions) Act 1976). Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.
- 4.5 Any offences or behaviour not expressly covered by this Policy may still be taken into account.

## **5 Options when determining an application/licence**

- 5.1 When determining an application or reviewing an existing licence in relation to convictions or other relevant information the Council have the following options:
- grant the licence or take no further action
  - grant the licence with additional conditions
  - refuse, revoke, or suspend the licence
  - issue a warning which may include the use of enforcement penalty points
- 5.2 If a licence holder's conduct is such that, were they to be applying for a new licence their application would normally be refused, they should expect consideration to be given as to the suspension or revocation of their licence.

## **6. Offences involving violence**

- 6.1 Licensed drivers have close regular contact with the public. A licence will not normally be granted if the applicant has a conviction for an offence that involved the loss of life such as:
- Murder
  - Manslaughter
  - Manslaughter or culpable homicide while driving
  - Terrorism offences
  - Any offences (including attempted or conspiracy to commit offences) that are similar to those above.
- 6.2 A licence will not normally be granted until at least 10 years have passed since the completion of any sentence and / or licence period following conviction for an offence shown below:
- Arson
  - Malicious wounding or grievous bodily harm which is racially aggravated
  - Actual bodily harm
  - Assault occasioning actual bodily harm
  - Grievous bodily harm

- Robbery
- Possession of firearm
- Riot
- Assault Police
- Violent disorder
- Resisting arrest
- Any racially-aggravated offence against a person or property
- Common assault
- Affray
- Any offence that may be categorised as domestic violence
- Harassment, alarm or distress, intentional harassment or fear of provocation of violence
- Any offence (including attempted or conspiracy to commit offences) similar to those above.

6.3 A licence will not normally be granted until at least 5 years have passed since the completion of any sentence and / or licence period following conviction for an offence shown below:

- Obstruction
- Criminal damage
- Any offences (including attempted or conspiracy to commit offences) that are similar to those above.

6.4 A licence will not normally be granted if an applicant has more than one conviction for an offence of a violent nature.

## **7. Offences involving a weapon**

7.1 If an applicant has been convicted of possession of a weapon or any other weapon related offence, this will give serious concern as to whether the person is fit to carry the public.

7.2 Depending on the circumstances of the offence, an applicant should be free of conviction for 3 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), before a licence is granted..

7.3 2 or more convictions for a violent offence will normally result in an application being refused.

## **8. Sexual and indecency offences**

8.1 All sexual and indecency offences will be considered as serious. Applicants with convictions for sexual or indecency offences that involve a third party will normally be

refused. Such offences include:

- Rape
- Assault by penetration
- Offences involving children or vulnerable adults
- Trafficking, sexual abuse against children and / or vulnerable adults and preparatory offences (as defined within the Sexual Offences Act 2003).
- Making or distributing obscene material
- Possession of indecent photographs depicting child pornography.
- Sexual assault
- Indecent assault
- Exploitation of prostitution
- Soliciting (kerb crawling)
- Any sex or indecency offence that was committed in the course of employment as a taxi or PHV driver
- Making obscene / indecent telephone calls
- Indecent exposure
- Any similar offences (including attempted or conspiracy to commit) which replace the above

8.2 In addition to the above the council will not normally grant a licence to any applicant who is or has ever been on the Sex Offenders Register or similar register.

## **9. Dishonesty**

9.1 A serious view is taken of any conviction involving dishonesty.

9.2 A minimum period of 5 years free of conviction or at least 5 years since the completion of sentence (whichever is longer) is required to have passed before a licence is granted. Offences involving dishonesty include:

- theft
- burglary
- fraud
- benefit fraud
- handling or receiving stolen goods
- forgery
- conspiracy to defraud
- false representation
- obtaining money or property by deception
- other deception
- taking a vehicle without consent

- fare overcharging
- or any similar offences (including attempted or conspiracy to commit) offences which replace the above

9.3 A licence will not normally be granted if an applicant has more than one conviction for a dishonesty offence.

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

## **10. Alcohol and Drugs**

10.1 A serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or drugs or where the driver has been found to be under the influence of psychoactive substances.

10.2 At least 5 years, after the restoration of the DVLA driving licence following a drink drive or driving when under the influence of drugs conviction should elapse before an application will be granted.

10.3 A licence will not normally be granted where the applicant has more than one conviction for offences related to the possession of drugs and has not been free of conviction for 10 years or at least 10 years have passed since the completion of any sentence and/or licence period, whichever is the greater. There will then be full consideration of the nature of the offence and the quantity /type of drugs involved.

10.4 A licence will not normally be granted where the applicant has a conviction for an offence related to the supply of drugs.

10.5 If there is evidence of persistent drugs or alcohol use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) and a satisfactory medical report may be required before the licence is granted. If the applicant was an addict then they would be required to show evidence of 8 years free from drug taking after detoxification treatment.

## **11. Driving offences involving the loss of life**

11.1 A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life.

11.2 A licence will not normally be granted if an applicant has a conviction for:

- Causing death by dangerous driving
- Causing death by careless driving whilst under the influence of drink or drugs
- Causing death by careless driving

- Causing death by driving: unlicensed, disqualified or uninsured drivers
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

## 12 Other traffic offences

- 12.1 At least three years should elapse (after the restoration of the DVLA driving licence), before a licence would be granted for a Hackney Carriage or Private Hire drivers licence.
- 12.2 Traffic offences such as obstruction, some speeding offences (usually dealt with by means of a fixed penalty), pedestrian crossing offences, traffic light offences waiting in a restricted area, or offences of a similar nature may not ordinarily merit refusal. However, with existing licensees they may be subject to separate consideration as part of the Penalty Points Enforcement Policy.
- 12.3 Traffic offences such as driving without due care and attention, reckless driving, more serious speeding offences (usually dealt with by a court), or offences of a similar nature will give rise to serious doubts about the applicant's suitability to be a driving professional. An applicant with any such convictions will be required to show a period of at least 1 year free of such convictions. For applicants with more than one offence this should normally be increased to 2 years.
- 12.4 In cases where the courts have imposed a disqualification in respect of the DVLA driving licence, the periods stated above should normally commence from the date of the restoration of the licence.
- 12.5 In this policy, the term "disqualification" refers to the period served, in order to take account of the fact that a court may reduce the period of disqualification from driving. An applicant must provide evidence in advance to prove that the court agreed a reduction in the period of disqualification.
- 12.6 In "totting up" cases where disqualification is considered by the Court, even if the court does not disqualify (e.g. because of exceptional circumstances) a driver, the licensing authority is likely to refuse a hackney carriage or private hire driver's licence because different criteria apply. An applicant will normally be expected to show a period of 12 months free from conviction from the date the court made its finding of exceptional circumstances justifying the non-disqualification.

## 13 Outstanding Charges or Summonses

- 13.1 If the individual is the subject of an outstanding charge or summons their application can continue to be processed, but the application will need to be reviewed at the conclusion of proceedings.
- 13.2 If the outstanding charge or summons involves a serious offence and the individual's conviction history indicates a possible pattern of unlawful behaviour or character trait, then

in the interests of public safety the application may be put on hold until proceedings are concluded or the licence may be refused.

#### **14 People banned from working with children and vulnerable adults**

- 14.1 A serious view is to be taken of any applicant or licence holder who has been banned from working with children or vulnerable adults. A licence will not normally be granted if an applicant has been found unfit to work with children or vulnerable adults.

#### **15 Non-conviction information**

- 15.1 The Council will take into account intelligence which has not led to a conviction. This may include but not be limited to information regarding acquittals, circumstances in which convictions were quashed due to misdirection to the jury, circumstances where the decision was taken not to prosecute, situations where the person has been arrested and bailed but not yet charged, and complaints from the public. In considering the most appropriate action to take following the receipt of information), the credibility of both the witness / complainant and the licence holder will be taken into account.
- 15.2 If an applicant has been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration may be given to refusing the application or revoking an existing licence.
- 15.3 In assessing the action to take, public safety will be the paramount concern. Decisions will be taken on balance of probability.

#### **16 Licensing Offences**

- 16.1 Offences under taxi and private hire legislation such as plying for hire without a licence, overcharging and refusing to carry disabled persons will prevent a licence being granted or renewed until a period of 3 years has passed since conviction.

#### **17 Insurance Offences**

- 17.1 A serious view will be taken of convictions for driving or being in charge of a vehicle without insurance. A previous isolated incident will not necessarily stop a licence being granted provided an individual has been free of conviction for 3 years. However strict warning should be given as to future behaviour. More than one conviction for these offences will prevent a licence being granted or renewed.
- 17.2 An operator found guilty of aiding and abetting the driving of passengers for hire and reward without insurance will have his Operator's Licence reviewed with a view to immediate revocation and will not be permitted to hold a licence for a period of at least three years from the date of any revocation.

17.3 Where a specific offence is not mentioned, a suitable period will be determined by reference to offences described. The Council reserves the right to refuse a licence where there are aggravating circumstances, even where these guidelines would otherwise indicate that a licence might be granted.

## **18 Applicants with periods of residency outside the UK**

18.1 If an applicant has spent six continuous months or more overseas (since the age of 16) the council will expect to see evidence of a criminal record check from the country / countries visited covering the period.

18.2 Because of the potential lifetime relevance for some of the most serious offences mentioned in this policy, the Council will need to ensure that sufficient background checks are conducted for those applicants who have lived overseas. For EU nationals a disclosure that is similar to the UK DBS will be required, for those countries for which checks are not available, the council will require a certificate of good conduct authenticated by the relevant embassy.

## **19 Summary**

19.1 Whilst a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed, in most cases, an applicant would be expected to have remained free from conviction for 3 to 10 years (detailed above), before an application is likely to be successful. If there is any doubt about the suitability of an individual to be licensed, the Council will be mindful of the need to protect the public and caution will be exercised.

19.2 While it is possible that an applicant may have a number of convictions that, individually, do not prevent a licence from being granted, the overall offending history will be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Some discretion may be afforded if an offence is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.

